A

SURVEY
OF
NAPHTALI.
PART II.
Discovering of the Roads open'd in
the Preface of this Journal;
Together with an examination of the Drama of
the Apply, Mercury concerning the Sup-
posed Plot about Succession, Tithes, and
the obligation of the Covenant.

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OF
NAPHTALI.
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Discoursing of the Heads proposed in the Preface of the former:

Together with an examination of the Doctrines of the *Apolog.* Narration concerning the King's Supremacy in and about Ecclesiastick Affairs, and the obligation of the Covenants.

Psal. 120. 6, 7.

My soul hath long dwelt with him that hateth peace. I am for peace; but when I speak, they are for War.

Lactant. Instit. 5. 20.

Defendenda est Religio à privatis omnibus non occidendo, sed moriendo; non sevitia, sed patientia; non scelere, sed fide.

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TO THE

READER.

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HAd there been no engagment in the former Part of this Survey, to prosecute the consideration of other matters contained in Napht. the Author (having paid some part of his loyal duty to the King, and shewed his tender affection to his fellow subjects, in discovering strange doctrines that are disseminated throughout the Land, tending to the utter overthrow of civil Order and Magistracy, if such evil principles be received into the hearts of people) could willingly have superseded this second labour; but, the promise becoming a debt, the too friendly importunity of some cravers, would by no means adjourn the payment: Hence this second Part, which was almost sentenced to lurk in perpetual silence, is drawn forth to the light, to take its venture of the favour and of the frowns of the World.

It was not indeed convenient, that some testimony being given in behalf of civil Government, against perverse dogmatizers and masters of confusion, whose doctrines tend to the dissolution of humane societies, the concerns of the Church no less assaulted by the Writings of furious men, then King and Kingdom are, should have been altogether neglected, the happiness and well-beeing of both being so closely link'd together, that the confusions and miseries of the one, do ordinarily redound upon the other; if the one be shaken, the other can hardly be stable and firm. What regard will people have to any civil order, when reverence to God in his Ministery and Ordinances is decayed and lost? Hos. 10. 3. Now they shall say, we have

have no King, because we feared not the Lord, What then should a King do to us? *The streams of loyalty, must be derived from the fountain and spring of piety (otherwayes it is not throughly sound, but will soon dry up and evanish) which should move Rulers chiefly in conscience toward God, but in the next place, in regard to their own interest, to give all diligence, that their subjects may be pious and godly; if Gods interest be not first cared for, theirs will fare the worse: And upon the other hand, when contempt is cast upon the Authorities which God hath set up for preserving civil order, and people begin to wax wanton and kick against the same, resolving to use might against right, and to do what is good in their own eyes if a brutish power and force may be able to bear them up in high attempts against Authority, then sure, Religion is under a sad decay, whatever pretensions be keeped up of the same, God having so often conjoined the* honouring of the King, *with the* fearing of himself, *as a main character thereof, and he doth certainly interesse himself in the quarrels of his wronged Deputies on earth,* He that resists them, resists God and his Ordinance.

It were folly to expect, that this Writing should meet with another lot then these do which thwart the prepossessions and prejudices of the multitude. What can be expected from such whose lasines hath fixt and rivetted them in an easie Religion, embraced without search upon the faith of others or custom of the Countrey, but that they shall desire still to be at ease, and reject any thing that may put them to the pains to enquire? Or, who can think it strange, that such as are inflamed with the wildefire of an ignorant zeal, should flee out against the doctrines here asserted? their wrathful humours getting the start of their reason and judgement, the plain and naked truths held forth here, no doubt will be exposed to the waspish stings of carnal contradiction, and yet in the end, will carry the day and will overcome the opposers to their own advantage. But sure there are in the Land, many sober and holy Christians, who by the true exercise of mortification, have become great masters of their

own

own passions, And who can with calm and composed hearts, try the spirits whether they be of God, who can try all things and hold fast that which is good. *These are not as the former (whose ferity brings their christianity under question) but are persons of a better, more excellent and noble spirit; albeit they be steadfast in Religion, yet they are not so wedded to their own opinions, anent the ordering of the exterior Government of the Church, but they can lend a patient ear to such as are otherwise minded, pondering what they say, and being also willing to bring under examination the solidity of their own grounds, whereupon formerly they were bottomed. However little hope there be to prevail with others, to such this Writing is addressed, with the Authors desire that what truth is found therein may be embraced as Gods; what errors there are, may be discovered that so they may be amended; and that any measure of asperity of words against the* Libeller *may be pardoned and passed by, although the provocations have been great, and the man that smites with the sharp edge of the sword, hath little cause to complain that he is smitten with the blunt back of it. The God of truth and peace direct us in all truth, establish us in love to him, and one to another, grant peace to his own* Jerusalem, *and prosperity within her Walls, especially,* that we may not learn War any more *one against another, and that there be no hurting nor destroying in all the holy mountain of God.*

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PART

PART II.

CHAP. I.

The Libeller's outragious revilings of the King's Majesty, *the Parliament, the Council, the Commission, the City of* Edinburgh, *and all the Judges and Nobles of the Land*, &c.

THE Libeller, to pave his way and to prepare for the destruction of all Authorities in the Land from the highest to the lowest, bends his evil spirit to revile and reproach all of them, and to charge them with such high treason against the God of Heaven, that the rude inraged multitude (whom he flatters shamefully) may think, that they may be deservedly pull'd down, and that it is the highest pitch of Religion to act rebelliously against them. Men that fear God will think that a singular veneration, under God, is due to them in Authority, and will be loath to judge rashly of their actions; far less will they pronounce rashly upon them or their actions, remembring who said it, *Thou shalt not revile the gods, nor curse the ruler of thy people*, Exod. 22. 28. and, *Eccles.* 10. 20. *Curse not the King, no not in thy thought*, &c. There is a special wrath laid up *for the presumptuous and self-willed, who despise Government, and are not afraid to speak evil of dignities*, 2 Pet. 2. 10. *chiefly*, as the Text saith, wrath is provided for them, who either in heart undervalue, or by their expressions disgrace lawful Authority, labouring that way to weaken the due esteem thereof in the hearts of others. Private Subjects should

labour for that measure of moderation, as to restrain both tongue and hands from flying out and falling rashly upon the Magistrate (suppose they did think there were things in their way which needed amendment) because the fountains and motives of publick affairs and transactions, are often remote from the knowledge and comprehension of persons not imployed in them (which may cause a great mistake of the actings of Superiors) and though something appeared wrong, yet, much is to be tolerated for publick Peace, and that the Commonwealth be not cast loose by bringing Authority in disgrace. This is not spoken, as if these who have calling to deal with the Princes and Powers of the world, should not deal faithfully and freely in warning them when they do manifestly provoke God to wrath, although there is need of singular prudence and lowliness of heart in dealing with such, that neither the warning be lost, nor the Authority they are invested with come in contempt. But, to fall upon these in Authority by way of outragious Libels secretly spread amongst their people (as this man doth) shews, that it is not their edification but destruction that is sought; and that it is endeavoured first to cast them out of the hearts of their Subjects, that so they may be easily cast out of their Authority.

But, let us take notice of the particular reproaches cast on all Authorities of the Land, by this foul hand.

1. For the King's Sacred Majesty, no enemy could have done more to put disgrace upon him in the eyes of his Subjects, then this *Shimei* hath endeavoured to do; and no man that hath in him any spark of Christianity or Loyalty, can with a patient (or rather stupid) silence endure the defamation of that Sacred Person. True it is, it might seem a thing culpable and censurable, to mention the words utter'd against his Majesty (the honourable Lords of Council having justly adjudg'd *Naphi.* to the fire), were it not that one fire cannot destroy al the Copies, nor satisfie the minds of these who carry them about as Books of devotion, anent the matters therein contained; and were it not, that it is needful to lay open the evil spirit of this Advocat and his Party, that they who will be saved may flee from them; and especially, seing they jeer at a meer refutation by burning, although it were unreasonable, to put a State to the continual pains of a base dispute with seditious Pamphleters. 1. That he may provoke and raise up against his Majesty all his Protestant Subjects, he labours to represent some of his actings, as having tendency to re-introduce Popery: To this purpose, he mentions a Declaration set out by the

King

King in print, wherein he sayes, (as is alledged by the Libeller) *The Papists were faithful Subjects to him and his Father, whilest others, under pretence of Religion had involved the Kingdom in blood.* Also the Libeller asserts, *That there is toleration of open idolatrous masses, that the execution of penal Laws against them is superseded, that in* England *they are advanced to greatest places of trust; that a house for Fathers or Fryars is provided; that there being much presumption of a Popish hand in burning* London, *yet no course is taken for trying and punishing the Authors and Actors, as if men were afraid to try the truth in that matter*; Page 8, 9. of the Preface to *Naph.* These are indeed horrid accusations against our Protestant King, and have a native tendency to waken up any persons, in whom there is any thing of zeal for Gods Truth. But, the Libeller is not of that credit, that all he sayes against our Soveraign should be taken upon his bare word. 1. Why did he not refer us to some particular Declaration so favourable to Papists emitted by the King, and set down the words of it, and shewed where and when it was printed? if he could have pointed us to the Paper, possibly something might be found in it which might guard against any word seeming too favourable to Papists. But, let it be so, that the King had said so in any Paper, it is an undeniable truth, that Papists (he saith not all) were faithful Subjects to him and his Father, while others (he saith not all others, nor all Protestants, nor Protestants at all) under pretence of Religion, had involved the Kingdoms in blood. Might not the King say, that some Papists (for it is only said indefinitely, if it be said) were faithful Subjects to him, although this Elogy extend not to the bloody Irish Cut-throats? (as the Libeller suggests them to be meant, and wickedly hinteth at other Authors of that massacre of Protestants in *Ireland*, besides them.) And might not the King say, that others, under pretence of Religion, involved the Lands in blood, though he meant not all his Protestant Subjects? Will this Libeller deny, that the Sectaries did so, to speak of no others? If some Papists in these Lands did shew themselves really more loyal to the King and his Father, then some that called themselves Protestants, (though they were not) might not such a thing been said, without favouring Popery?

——Pudet hæc opprobria nobis,
Et dici potuisse, & non potuisse refelli.

2. For toleration of open masses, and superseding execution of penal Laws; if there be any such thing (which consists not in our knowledge) we approve it not; but wishes all Magistrates in the

zeal of God, to approve themselves to him in rooting out Idolatry and every thing contrary to the Truth from this Land: But sure this may be said, our Laws even in the last Parliament, are severe enough against Papists; Yea, the King hath given a particular Commission, (against which, this Libeller rageth) to execute the Laws against Papists in the first place, and then against others who are disorderly. If the Kings Ministers of Justice be deficient in their duty, in executing the Laws against such, accuse them; But, why should therefore disloyal intimations be made to the people concerning his Majesties intentions? And yet, I wish and pray, that God may so guard the heart of the King, that he may not be led into temptation by the rebellious practices of this man and his like, to give too much connivance to the growing of that party; or to become diffident of his safety in the loyalty of his protestant Subjects, because of the evil humors that appear in some who do call themselves so, but do shame their profession by their turbulency and continual tumultuating.

3. We know no advancing of Papists in *Scotland*, and we love not to be *curiosi in aliena Republica*, nor inquisitive in the matters of *England*, who is put in trust there, who not: There is there a Protestant Church and Parliament, who, no doubt, will advertise the Kings Majesty, if any such unawares creep into Power: But nothing of this kind are we to take on the report of the Libeller who hath lost credit; neither believe we what he adds, of the provision of a house for Fathers or Fryars, nor can have information of any such thing; and he is deceitful in suggesting to the King's Subjects, that Abbacies or Fryaries are in building.

But, 4. He surpasses in wickedness, in suggesting to the subjects the King's negligence in trying and punishing *the Authors and Actors of the burning of* London; *there being an universal report and so much presumption*, (as he saith) *of a Popish hand in that work*; *and yet the matter is so carried, as if men were afraid to try the truth in it.* Verily, this is one of the highest imputations that could be laid upon that excellent Prince, whose heart (no doubt) was more wounded with the calamities of that famous City, (which had been so lately eminent in demonstrating their Faithfulness and Loyalty to him) then any private mans heart could be. Whether Papist or Sectarian had hand in kindling that fire, God knows: The Libellers presumptions, that it came from a Popish hand, it is feared, are bred in his own presumptuous head; there is no doubt of sufficient diligence in trying that matter; and if any such wicked incendiary could be found,

found, no torments on earth could be thought sufficient by King and people universally to repay such wickedness. But when utmost diligence in tryal hath been used, and no design found in that matter by any creature; what remains, but that the hand of the Almighty (whose Judgements are alwayes Just, though often secret) should be therein looked upon, as punishing old or late unrepented sins? This had well become the Libeller to have said, and not to have so reflected on our Soveraign, who (as we have certain information) was most sadly afflicted in all the affliction of that noble City: But the malice of the man is such, that by any means he will labour to poyson the hearts of the King's Subjects, with prejudice against him most odiously.

But the mans malice against the King, doth not rest thus; for, he compares him with the worst Kings he can name, to *Nebuchadnezzar, casting all in the firie Furnace, that will not bow down to the Idol he hath set up*, Napht. pref. pag. 9. *To* Saul *and* Vzziah, *usurping the Priests Office.* pag. 26. *To* Julian *the apostate, destroying Christian Religion*, Napht. pag. 98. He tells us, that the appointing an anniversary remembrance of the Kings Birth and bringing back, *was a profane institution*, Napht. pag. 87. He tells us, pag. 40. *That the Kings Prerogative hath a wicked intent and designe, no other then that of the Devil*, &c. *And the native issues of Prerogative and Prelacy, are the restoring of the Kingdom of Antichrist*, Napht. pag. 41. He tells us, *there was a sinful and woful conspiracy, for Prerogative and Prelacy in Parliament*, Napht. pag. 116. *He jeers at the Soveraign's exemption from impunity*, Napht. pag. 29. He tells us, *he had neither conscience nor honesty, to teach him the constancy of the meanest Subject*, Napht. pag. 79. *He allows any number of private persons, able for it, to get up and remove the King, and all Magistrates, and possess their places*, Napht. pag. 151. 52. He tells us, *we are under Persecution, hostile invasion by the Kings Forces, reduced to an unnatural conquest and most insupportable, under tyranny, and a tyranous Magistrate is not the Minister of God, for our good; and when he is resisted, Gods Ordinance is not resisted*, Napht. pag. 30. 116. *and elsewhere, he often imputes to the King, the usurping of the Prerogative of Jesus Christ*, pag. 90. asserting, *that he ought to have no hand in the disposal of any part of the exterior policy in the Church, no not so much as in these things that meerly concern order and decency*, Napht. pag. 29. He sayes, *that he erects a papacy in himself more absurdly then the Pope did*, Napht. pag. 39. He tells

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us, *that all Ministers and Ecclesiastical Courts are known, allowed and presumed to act according to the warrand of the word of God only; and therefore must not be controlled by Kings*, Napht. pag. 39. He rageth *against the Parliament, for giving the King the Excise* ad vitam, pag. 112, 113. *alledging, it is more then exequates the burthens imposed by the usurpers, and is imployed in persecuting and inslaving the people*; also there he rageth *against the loyal offer of twenty thousand men to the King when he should need them, as a slavish implicite emancipation of our lives*; And, pag. 115. he rageth against the Convention of States, for granting one years Assessment to the King; And sayes, *the people are more harassed and oppressed now, then the conquering Sword of the Enemy did before.* And that nothing might be omitted, to shew his wicked malice against the King, he ripes up the business of the Coronation-oaths, the *Dunfermline Declaration*, the matter of *Clova*, some private Letters, *pag. 68. &c.* the matter of the fines he also insists upon, *pag. 113.* In a word, there is nothing that this man can imagine may turn to the Kings disgrace or destruction, but he aggravates it, and yet for all this, and much more which might be noted in the wicked Libel, we must be deluded into a belief, that the man and his party is very loyal to the King; only perhaps he will say, their loyalty is conditional, *if he will give them their will, and lay down his Authority and Laws at their feet*, and then they will modifie him so, that it shall be a very easie matter to be loyal in their apprehensions.

But all these injurious matters against the King, shall be passed over with a few reflections upon them; (waving what concerns his Supremacy anent Church-affairs and the matter of the Covenant, being the subject of the two following Chapters) Only concerning these, there be further, one or two things considerable. 1. That this man asserts boldly, *pag. 39. Napht. That all Ministers and Ecclesiastical Courts, are known, allowed and presumed to speak and act only according to the warrand of the Word of God, and therefore are not accountable to the Magistrate, till they confess their own faults, and judge of them, and if they be challenged for the same, the imputations laid on them of Treason, Sedition and Disorder, are but formalities to palliat the Kings usurpation*, &c. True it is, no Ministers nor Church courts are allowed (the word which the Libeller casts in deceitfully or foolishly) to act otherwise then according to the rule of the Word; but where he adds herewith, that this *is known and presumed, that they do so* (and a presumption it is indeed, to say so)

so) he speaks falsely, and arrogates the infallibility to every Minister and Church-court, which we deny to the Pope. Many Ministers and Church-courts also have been known to deviat from the rule; And the case is hard for the Magistrate, if when he hath good knowledge, that things treasonable and seditious are spoken in a Pulpit or Presbytery, he may not judge nor call them so, unless the Ministers will say so themselves, (who are ready enough to be sparing of their censures one against another, when there is displeasure against the Magistrate) Nay, God warrands him to pull sedition and treason from the horns of the Altar; and to notice mens mixing in matters that are not in their commission from Christ, with his holy things. 2. That the man boldly asserts, that the King hath not so much liberty as to interpose in the determination of matters of decency and order, in the administration of the Ordinances of God, nor to meddle in any circumstantial thing undetermined by the Word of God, *Naph.* P. 92. but all this should be referred to Ministers only. For, (saith he there) *The King upon a double account is excluded clearly from medling with any matter concerning the decent, orderly administration of Gods Ordinances; all this being referred to the Churches arbitrement, (so far as it is not determined particularly in the Word) to be defined according to general rules of Scripture, and the King is no Church-officer: but, though he be a Nurse-father,* Isa. 49. 23. *yet, submission is injoined him in all these things unto the Church,* ibid. *They shall bow down to thee with their face toward the earth, and lick up the dust of thy feet.* So the King must not (albeit he be the Churches Nurse-father) so much as offer to order any thing decently in external administrations of Ordinances of God, (which in his Word is left undetermined, as to the particular) but must *bow down his face toward the ground before the Session or Presbytery, and lick the dust of the feet of the sage Senators, the Minister and his Elders of all degrees,* (Rusticks, and Mechanicks, as well as Earls and Lords) and in doing this homage, and in giving this submission to them, stands his Office of being Nurse-father to the Church, as *Naph.* saith. Such glosses on Scripture would both make *Heraclitus* to weep himself to death, and *Democritus* to laugh himself to death. But this high-flown Libeller must know, that Kings and Soveraign Magistrates, being keepers of the first Table of the Law as well as of the second, as in order to preserve the second Table, they have power from God by their acts to determine anent circumstantial matters which concern the guarding or preservation of the second

Table

Table of the Law, (yet alwayes having respect to the general rules of Scripture) So, in matters circumstantial belonging to the guarding and preserving right, orderly and decent performance of the spiritual Ordinances of God, they have also a power (within the compass of their Calling) yet so, that the general rules of the Word touching things of that nature be eyed and not neglected. For, there is no difference as to this, in their way of guarding, preserving and procuring the right doing of duties of the second Table and of the first. It is true, as they are, in determining of matters circumstantial anent the second Table of the Law, to make use of *Juris-consults* and men skilled in these matters; So are they in determining anent variable things in the exterior policy of the Church, to make use of Divines, who may be best able to resolve what comes neerest to the general Scripture rules, as to these matters. But that such things be altogether put over to Church-mens arbitrement, without the authority of the King, as keeper and guardian of the tables of the Law, cannot be yielded. Ministers have their commission from Christ, to preach the Gospel, minister Sacraments, &c. But, that the ordering of all external things and circumstances anent divine Ordinances not expresly determined in Scripture, is referred to their meer arbitrement; excluding the Nurse-father of the Church from medling therein, we read not. And he can surely shew better warrand in dealing in these things, then they can: Neither doth the Scripture *Is.* 49 23. speak of the Nurse-father of the Church, his submission to the Ministers, even to the licking of the dust of their feet, in their determinations of circumstantial matters in exterior policy of the Church supposed to be left to their only arbitrement, (as this Libeller abusing the word of God, would bear us in hand) For as *Diodate* on the place tells us, the meaning is only, *That they shall submit to Christs Faith and Kingdom, ministred by the Church, or they shall do homage to Christ, present in the miast of the Church.* Now these matters whereof we now speak, (and which he challengeth only to be disposed by Ministers arbitrement) are not matters of faith, nor wherein the Kingdom of Christ doth stand. And Mr. *Calvin* upon the place, which he finds abused by Romanists, (as it is now by the Libeller, in favour to his party) for moving Kings to give slavish adoration to their idol the Pope, tells us well, *That the adoration here understood, is nothing else, but Princes submission to God and Christ, and obedience to his Word preached by the Church; Hic honos & cultus, penes unum ipsum integer manet*; But it speakes not of submission, in matters not determined in the Word, concerning exterior policy, as this man will have

have Princes (as to these) *to lick the dust of the Churches feet*, absolutely submitting to their pleasure. But in the spewing out of his spleen against the King, as he and his party were loath that ever he should have come home; so, he cannot indure the anniversary remembrance of his Birth and Return, which Gods providence trysted to be *May* 29. but calls that dutiful remembrance appointed by Parliament, a profane institution. And the *Apology* also reasons very weakly against it, *pag.* 89, 90. 1. From the narrative and grounds of the act. 2. From the unlawfulness of appointing of any anniversary holy day by any creature: But as to the first, whatever the Parliament was pleased to make a narrative of the act for the anniversary solemnity (which narrative hath too much truth in it) it may be questioned, if these who consent to the conclusion of the act, be bound to own and consent to all that is mentioned in the narrative? if what is concluded be just and lawful, whatever be in the narrative or grounds laid down, which perhaps could not abide the test of reason; yet, the statutory part may be lawful and obliging without any obligation to consent to all things contained in the narrative: I may assent to many conclusions and yet not allow the verity of all the premisses, which are either erroneously asserted, or the conclusion erroneously deduced from them, being true; as I may assert to this conclusion, That every man is a rational creature, though it were deduced from these premisses, Every brute is a rational creature, Every man is a brute, *Ergo*, *&c.* or from these, Every rational creature is a living soul, Every man is a living soul, *Ergo* Every man is a rational creature; the former syllogisme is peccant in the matter, yet the conclusion is true; the latter is peccant in the form, yet is the conclusion true; So, in acts and statutes, let law-givers mix in what they will in the narrative, that oblieges not me to consent to all they therein say; but if the conclusion and statute be just and good, I will do it, although they who made the Law fail in the premisses upon which they ground their inference: For, I do it not upon their grounds, (if they be not good) but because otherwise I judge the matter of the statute honest and just. 2. The *Apologist* is Anabaptistical, in denying liberty to the Church of God or Christian Magistrate, to appoint set times for commemorating yearly Gods signal mercies; he talks indeed of the want of power in any creature to consecrate any portion of time and to make it holy, and that it is not in the power of any under Heaven to appoint anniversary Holy-dayes, this being only proper to God; and so doth he challenge the Parliament of impiety,

in appointing such a day. But this is easily taken off: For, albeit it be impossible to make a day holy by inherent holiness, (the subject not being thereof capable) and albeit no creature can make a day holy by relative holiness, which is to be esteemed as part of the worship of God, and making the other worship of God, and the worshiper, the more acceptable to him, because of the time wherein it is performed; and binding the conscience so, that even out of the case of scandal or contempt of order, a mans conscience may on good grounds charge sin upon, in the omission of the observation; albeit, I say, this way no creature can make a holy (relatively holy day) nor any day that is *in se per se, sanctior vel sacratior aliis*; such consecration and dedication of a day, belonging only to God, the absolute Lord of dayes and times, and the appointer of that wherein his own worship consisteth; Yet, it is in mens power, (both the Magistrates and the Churches) to depute certain dayes for exercises of the holy service of God; especially upon occasion of signal mercies obtained, or, for averting threatned judgements, or, for obtaining great favours desired. And if the day be called holy, it is not for any inherent holiness, nor for any relative holiness, as if it were in it self more holy then another day (*ita ut per se sit pars cultus divini*, as divines speak) but it is called holy, onely in regard of the use and exercise of the holy ordinances of God therein to be performed. Indeed, the old Sabbath amongst the Jewes, (we enquire not now, whither there be the same reason for the Christian Lords-day) and other festivities, the very observation of the day the dedication and separation of it to Gods service, was *pars cultus*, a part of worship, because commanded by God; the day was not only holy because of holy exercises performed in it; but holy it was, because by divine Command the day was hallowed for such exercises, and the keeping of it for such exercises was a part of worship: And the observation thereof could not be omitted, (even secluding the case of scandal) without leaving the stain of a direct breach of Gods command touching his worship upon the conscience. But this way, to make holy dayes, we think is not in the power of any creature; albeit, if a day be called holy meerly *ratione usus*, or be said to be relatively holy meerly in regard of deputation of it to holy exercises, to be therein performed, no sound protestant Divine will deny, that such dayes are lawfully appointed and keeped *ordinis & politiæ gratia*, for the more convenient performance of duties to God, in reference to the passages of his good providence to us. And what may be once done, may at the turning of the year, in the fit occasion be done over

again,

again, to secure the duty the better, and lest Gods doings should come in oblivion. Let *Rivet* upon the Decal. *pag.* 167. 168. be read, and it will be seen, that whereas the Jesuite *Azorius* did dispute against the Kings power in appointing holy dayes to commemorate great victories, or their nativity or coming to the crown, granting only to them power to appoint dayes of civil solemnity for such things; yet, that sound Divine herein opposeth him, averring, that it is in the soveraign Magistrat's power (he being a believer and Christian Magistrate) to appoint a day for solemn, publick and religious thanksgivings for signal mercies; and that all Christians under the power of that Prince, should apply that day to holy uses, *maxime autem Pastores Ecclesiæ*, chiefly the Pastors of the Church, who are subject to Princes as well as others: and so, (he sayes) the godly Emperors of old appointed certain dayes for religious ends and purposes. And, *pag.* 170. he speaks notably well of this purpose, not doubting to brand them as Anabaptists *qui nullos dies festos institui volunt*, commending the good midle way in this matter betwixt the Anabaptist and the Papist. But this *Apologist* swayes to the Anabaptist, condemning all festival dayes for religious ends, especially such as are anniversary, labouring to bury the remembrance of Gods goodness amongst people, and their religious acknowledgements of the mercy of having a good King of their own. There can be no reason given, why solemn remembrances of mercies may not be renewed yearly at a set time. God Almighty hath left it under mens liberty to depute or design certain portions of their time for friendly visits and entertainment of love with others; for recreations of the body, to quicken and strengthen them for the duties of their calling; for these things, they may set times weekly or monthly, *&c.* And shall we think, that he hath abridged mens liberty in designing set portions of their time; whither in the turning of a week, or moneth, or year, for solemn remembrance of his signal mercies; and for labouring in a special way, to raise up their hearts unto his praises, or, to humble their hearts in a more then ordinarily manner, for sins publick or private, national or personal, and for deprecating his fierce wrath? It is true, he is Lord of our time and dayes, as he is of all things that we have; yet, as in other things which we have, he leaves us to our liberty in disposing thereof, providing we break not through the hedge of his Moral law which he hath set about us; so is it in the matter of the use of our time. And if divine Providence should triste a time set for rejoycing with calamities, it were very fit then

moſt to notice the recent calamity; yet not ſo as to forget the ancient mercy: then God calls to ſerve him with fear and to rejoyce with trembling in a ſpecial manner according to his preſent diſpenſatio n.

But then the Libeller rageth againſt the Kings Prerogative (as we heard his words cited) His Majeſty and his faithful Councellors may take notice, that theſe ſticklers aim not only at Prelacy, but the Kings Prerogative allowed him by the Laws, is (with Prelacy) the Butt that is ſhot at. Were Prelacy not in beeing, the invaſion would be upon the Prerogative. King *James* coupled theſe two, *No Biſhop no King*; and the Libeller couples Prelacy and Prerogative, as the great eye-ſores of his Faction. Let men mince the matter as they will, theſe two are like to incur one fate by the hands of ſuch proud violent men who ſtrike at both; and yet (forſooth) we muſt hold them to be very loyal; we muſt be deceived into a belief, if we pleaſe to be cheated, that it is only Epiſcopacy ſticks in their ſtomach.

Further, he rageth exceedingly againſt all the demonſtrations of Loyalty which the Parliament and Subjects have given to the King. 1. Againſt the fourty thouſand pounds *Sterling* given him *ad vitam*, Pag. 112, 113. *Napht.* which he aggravates, *as fully exequating the exceſs of burthens impoſed for a time by the Uſurper; and that it was given him for no other end, but to complement favourers of Prelacy, and maintain force to perſecute and enſlave the body of the people.* The matter was thus, The Kings Majeſty having been for many years outed of his own Eſtate, and no doubt being beholden to ſome in the time of his affliction, while ſome amongſt our ſelves, during his Fathers time and his own, for the ſpace of twenty three years, had poſſeſſed themſelves of his Rents, ſhared them amongſt them, eating his bread, while they were lifting up the heel againſt him: And (when he returns) it being found, that the evil humours that formerly wrought viſibly amongſt many, were not purged out, but were working toward the miſchief that of late appeared; The People and Parliament of *Scotland* returning to their dutiful obedience to the King, offered that teſtimony of their Love and Loyalty to him; wherein, as there was much love, ſo there was not a little of juſtice (in reſpect of his former ſufferings) and very much alſo of wiſdom for preſerving the publick Peace and Safety of the Kingdom. It is falſe that what is given that way, exequats the burthens laid on by the Uſurpers: for, it is certain, by Seſs, Exciſe and other Exactions on the Countrey, they drain'd out of *Scotland* more then five times ſo much every year then the King gets by that Exciſe. Nor is it a perpetual impoſition (as this

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man saith) it is only for the Kings life, which all good Subjects will pray may be long continued. But, his malice overflows when he speaks of the bestowing of that money, as if it were for no other end but *to complement favourites of Prelates, to raise Forces to persecute and oppress the body of the people.* How the King bestows his Revenues, is not for private Subjects to enquire: But sure, that Revenue was not given to the King (as this man saith) to persecute and enslave the body of the people by military Force, but was given him mainly for enabling him to keep the Nation in order, and bearing down disorderly people demented by such as this man; and therein he doth God and the Nation good service: yet, were it somewhat just and more acceptable to the rest of the Kingdom, if the heaviest part of that burthen should lye upon the shoulders of unquiet people, who necessitate the holding up some inconsiderable Forces against the inclination of the King. And the man is exceedingly malicious in laying the blame of this (as he doth of all the publick burthens of the Nation) on the Bishops, the settling of Episcopacy being then scarce thought of, and Presbytery standing by Law when that offer was made to the King. But, were such burthens laid on with respect to Episcopacy, (as they are not) yet *Scotland* will not smart so much under these for one hundred years to come, as it did in twenty four years under Presbytery. Who knows not what vast sums in Sesses, Excises, Taxt and Loan, exorbitant Fines, borrowing upon printed Bands, hath been drawn from this Nation, meerly upon account of preservation and propagation of that form of Government?

Again, it vexeth the man, that there hath been any fined; and especially he rageth against the humble tender of the Kingdoms loyalty to the King, of Men and Horse to assist him when he should need, as the *Act* 25. *Session* 3. bears. As for the Fines, it hath been an usual thing in all revolutions to fine some, who have been counted too stirring against the Government that is raised up: But, let the Fines laid on by late pretended Parliaments and Committees, be compared with these laid on in this last Parliament, they will be found to surmount them. And although this paughty person will have the King counting how he imployes them, it becomes humble Subjects to forbear such thoughts, allowing charity to the King that they are well employed for publick good. That the Bishops have any hand in these matters, is falsely affirmed by him; but the man would have the King made naked both of money and men; he grudges at all the dutiful help his Subjects hath given him in money, for preserving of peace within, and

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for resisting of forraign enemies, to which end the last years Sess was granted. And also, he cannot endure the offer of men to him to assist him when he should need; this he calls *an implicite slaviſh emancipating of our lives to him*, and cryes out, *that now the people are more harassed and oppressed, then the conquering Sword of the enemy did before, by the Sess*, Naph. p. 115. and all this is imputed to the Bishops, forsooth. But who will believe this Libeller, that the Bishops, who at that Parliament and Convention after, were at their charges (for the most part) or, that the very small number of them there present were so mighty men, as to move such great Representatives of the Land to put themselves under oppression, to emancipate their lives and liberties blindly? Indeed, they are bound to do all the service they can, under God, to the King; but that their interests influenced those great Meetings in these offers to the King, is false, the maintenance of peace at home and abroad was that they minded in their offers. But it concerns the man and his party, to lay as much weight of the peoples grievances upon the Bishops, as possibly can be; there is no burthen that Parliament, Convention of Estates, or people voluntarily take on themselves in loyalty to the Prince, but all must be laid on the Bishops; they must be represented as the great Enginiers of all that which the seditious calls oppression and slavery, that they may be exposed (under such boar-skins) to be devoured by the Ferity of an enraged multitude: but God will protect them and plead their innocency by his great power, against such furious men who abound in transgression. But, why doth the man call the loyal and humble tender of their duty and assistance to the King, a blind emancipating and enslaving lives and liberties to his arbitrement? Doth not the Act it self plainly declare, that the offer is made *for the maintenance of his Royal Honour, Authority and Greatness, and for the peaceable securing the Subjects in the enjoyment of their Religion, Liberties, Laws and Properties*, &c. *Whereof they have already the experience of his tenderness*? Might not the Parliament and Subjects (at that time) be in some fears of his Majesties trouble from Ranters, Quakers, Anabaptists, Fifth Monarchy-men? (although these who have appeared of late were not thought so disloyal, as to draw their Swords against him) should a loyal Parliament have left the King naked to the fury of a perverse Faction, without so much as offer of assistance if he needed, or modelling the way thereof? seing it was known, that had his Majesty been destitute of help, their malice did prompt them to all wickedness against him. Did not a

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Committee of Estates, not long ago, not only promise, but send in an Army of twenty thousand Foot and two or three thousand Horse *effective* into a forraign Land, to invade their own King and his Friends, professedly in behalf of Presbytery? and shall it be piacular in a Parliament to promise the assistance of men to the King when he needs them? Is the Nation now therefore enslaved, and was it not then? But, the matter is this, the man and his party would have the King both poor and disarmed, and then they could talk with him; but, their earnestness this way shews their evil conscience and wicked designs to rise in rebellion upon rebellion; it galls them to be any way prevented of that which their hearts are perversly prepared for. But, a rich Purse and a ready Sword both, will be great helps to Peace: nor shall it be thought, that any Rhetorick will perswade the Powers to lay down the Sword altogether, which others are so ready to take up to their prejudice and to the ruine of their people. It brings to mind *Esops* Apologue, when the Lyon was enamoured of a Countreymans Daughter, he became a Suiter for her to her Father; who answered him, that he scorned to give his Daughter to a Beast. The Lyon began to grin and roar at that word; but the Countrey-man fearing his own life, began to speak calmly to him, and promised he should have his Daughter; only he besought the Lyon, in regard the Damsel was young, and would be afraid to match with him, unless he would take out his Tusks and Teeth, and break off his long Paws, that he would do this; which the Lyon (being much in love with the Damsel) was content to do, that he might enjoy her. But after he had done this, the Countrey-man got a great Cudgel and beat him away out of doors howling. *It shall not be needful to give the morality.*

As for his enimity against the Kings Majesties Person, as well as his Dignity, it hath been spoken to before: God preserve that Sacred Head, and give them repentance who seek his hurt. As to what concerns *Coronation Oaths, the Declaration at* Dunfermline, *Clova business*, &c. all which this Libeller labours to aggrege, to cast him out of the hearts of his people; it shall be needless to say much; till the obligation of the Covenants be spoken of. If Kings do find in their conscience, that in any action they have engaged themselves to any thing against their duty, under great temptations, it is no part of their Prerogative to be impenitent, nor against their true Honour to amend any thing that hath been done amiss, or contrair to their duty, as Christians or as Kings: And we ought to allow that charity to our King,

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that not answering these engagements, cometh not from contempt of God, but from religious conviction of his conscience, of having done somewhat a miss, which for fear of God, he could not stand to; but they have much to answer for, who in the day of his temptation, did cast snares upon him, without sufficient clearing of his conscience; there hath been too much sin and scandal on all hands in these times.

How abusively he was dealt with in the business of the Declaration at *Dunfermline*, imposed upon him, all *Scotland* knows; when the prevailing party at the *West-kirk*, (against the mind of the more sober and godly) disowned his interest in the quarrel betwixt the land and the sectarian army, only for his delaying to subscribe that Declaration imposed upon him: What usage he had at that time, by some insolent ones, is unpleasant to remember. The unbyassed Presbyterians in *England*, and *Timoreus* and *Crofton* in their names, condemn the undutiful proceedings with him at that time; which yet this man defends against them as wholly innocent; nor wanted they just information thereof, as this man sayes. What also were the grounds of the Kings just fears, in the business of *Clova*, they who lived at a distance could not know well, nor should without knowledge condemn. A prevailing party there was then in armes in this Land pleading against admission of the King to the exercise of his royal Power, (with whom, too many pretending friendship to him, were tampering) if jealousie of such mens too much complying with the sectarian army, which had subdued half of the Land, did put him upon some sudden courses, what marvel was it? But to forbear these matters, private persons, who are not acquainted with the grounds of Princes actings, nor the intrigues of publick affairs and various circumstances, would in due veneration of the Magistrate, be sparing to aggravate what they think amiss in their actions, to stir up sedition against them, and to cast them out of the hearts of their people; which is this mans design directly representing the King *as of lesse Conscience, Honor and Honesty then the meanest Subject*, Napht. pag. 79. *Stirring up all good Patriots,* (as he calls them) *to vindicate themselves from this unnatural conquest, whereto* (he sayes) *we are reduced, and from the slavery and oppression*, pag. 116. *telling the people, that now they are reduced to their primave liberty, as if they had no Ruler, and are free for erecting new combinations*, Nap. pag. 123. *That there are as just causes of revolt, as the* Neatherlands *had for their revolt from the King of* Spain, *being oppressed by Duke* de Alva, &c. whereof afterward: and telling them, *That the*

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Covenant is the very fundamental Law of the Kingdom, and the great Charter of Religion and Righteousnes, whereon all the rights and priviledges, either of King or People, are principally bottomed and secured, Naph. pag. 72. Yea, in the wicked heat of his spirit, he is miscarried to blasphemy, *pag.* 67. averring, *that Gods own immediate grant of a Kingdom, and his interposed oath to give it, is no such good right to it, as contracts and agreements with people*, citing the Scriptures to confirm his blasphemy, 2 *Sam.* 5. 3. 2 *King.* 11. 17. which we did clear before. But, God help the King and People both, if this new fundamental Law of the Kingdom, (as that of the Covenant is termed) be the principal bottom and security of all their priviledges, it being so flexible to the various fancies of this man and his party, and others also; that, although the substance of Religion and Righteousnes contained in the word of God and allowed in our unquestionable Laws, be indeed the great stability of the King and peoples priviledges, (which we constantly own, and even the matter of the Covenant, so far as it concerns these.) Yet the Covenant (as misinterpreted and wrested by these men) and the Law for it is so far from being the principal foundation of Prince or Peoples security in their priviledges, that it must needs be the fountain of continual confusions and troubles; and (if stood to) be the destruction of the Government and peace of this ancient Kingdom: And being imposed by subjects upon the King, against the fundamental Laws of the Kingdom, and by some subjects (who had no lawful authority) upon others, against the same fundamental Laws, it is most justly laid aside: Although our trust in God is, that our constancy in the protestant Religion, established by our just Laws, shall appear to all the world, to the glory of God and the confusion of wicked and seditious spirits who breath out blood and cruelty.

But next, the Libeller falls upon the loyal Parliament with much fury, representing them all along as a most wicked Apostate crue, acting in the meer spirit of wickedness: And particularly, falls upon the wickedness of the Acts and Laws past in that Parliament. He asserts; *the Parliament did directly innovate the fundamental Law and Constitution of the Kingdom, and made the Kings Throne the foundation of Perjury and Apostasie*, Naph. pag. 86 *That they heinously blasphemed the Spirit and Work of the Lord in the Act for anniversary remembrance of the Kings Birth and Return*, pag. 87. *That the Act rescissory of Laws against the Presbytery, Was the complement of all wickedness and the height of usurpation, above*

papal, a presumptuous absurd usurpation, pag. 89, 90. *That the Act for the Assembly is a strain of wickedness, above all that former times could imagine*, pag. 91. *That they usurped as much plenitude of Power in dogmatizing and making dogmatick Acts, as the Pope did*, pag. 93. *And to compleat their wickedness, appoints a Declaration of high impiety to be signed*, pag. 94. *That they subverted the liberty of the subject, forbidding gatherings, Petitions, such as were used before, writing, preaching*, &c. *against the Kings supremacy*, &c. pag. 95. *That they did corrupt and innovate the well tempered constitution of this Kingdom*, pag. 112. In a word, not one of their Acts relating to Church-affairs, but this severe *Cato* (who cares not to tread on Kings and Parliaments) censures as high wickedness; Yea the Parliament that passed them, he accuses of horrid *Apostasie* and *Rebellion against God*, pag. 2. *In the manifest spirit of violence and wickedness, not from any conviction of reason, this wretched Nation hath rebelled against God, overturned the Work of his blessed Spirit and Arm, and by unjust arbitrary and cruel Laws, have endeavoured the rebuilding of the Kingdom of darkness and Antichrist, and precipitating all men into the same condemnation with themselves*. And, pag. 46. he asserts, *that the acts for Presbytery were only condemned by these who were children of the Devil; full of subtilty, mischief, enemies of righteousness, or such as had sacrificed conscience and reason to ambition and covetousness, or by base flatterers of the King, who mind no other concernment but his pleasure, or indifferent* Gallioes, &c.

A world of such stuff hath he all alongs, which it is pain to racke into: Verily, no man can without astonishment think upon the bold wickedness of this Libeller, who because he fears not man (hiding his head in darkness) hath no awe of the Majesty of God upon his spirit, in writing such horrid things against an assembly of Christian men, and an assembly of honourable persons, representing and acting in the name of a Christian Nation. It may be there were amongst the constituent members, some, not such as they ought to have been (which was our grief) but we know also, that the pretended former Parliaments, were not composed of meer Saints. But as for the actings of the late loyal Parliament, in reference to the Church, they are all very justifiable. It were a pain to passe over them particularly. But all of them, relating either to the Kings just Prerogative and Supremacy, or being ordered to secure the re-establisht lawful Government of the Church; what is to be said of the Kings Supremacy in Church affairs, and what remains to be said of the Covenants, and lawfulness of Epis-

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copal Government, will sufficiently clear the lawfulness of their actings in reference to these.

But further, the rage of this Libellers Pen is not at a stand; for he falls upon the Commissioner and the Council, *Naph.* Pag. 114. He layes it as an heavy imputation upon the King, that he appointed a Commissioner, *which was as unlawful* (saith he) *as to alienate his Kingdom*; and sayes, *that the King did suppress the ordinary Officers of State, by the extraordinary Power and Office of that single Person.* And for the Council, he sayes, *The poor Nation is by them basely abandoned in their greatest concernments*, Pag. 116. And rageth against their six Proclamations and Edicts in the Kings Name, for securing the present Government; crying out against them as murtherers, (in the Scripture Language) *Wo is me now, my soul is wearied because of murtherers*, Naph. pag. 123. As to the appointing of a Commissioner, the matter is thus: After the death of the late Lord Chancellor, the King took some time to advise upon a person faithful and able for that great Charge; in the mean time, gives a Commission to a Noble Person (without prejudice to his Council) to correspond with him in special manner anent publick Affairs, and to take care of them, without over-ruling the Council, and reserving the honour of their places to them, only a special burthen was laid on him, till (after advice) the Government might be settled in the ordinary course. Now, this great Statist imputes it as a singular mis-government, that such a one had any further care committed to him then others, (for he cannot give account particularly of the strain of that Commission, or to what other purposes it was then is said) And because the King would advise some time in so great a matter, as establishing so prime an Officer as the Chancellor is, this is called a suppressing of the ordinary Officers of State, whereas none were wanting but that one. And giving the honour of the Commission to that Noble Person, is said to be as much as if the King alienated his Kingdom, (and we know what the man thinks should be done, when a King doth alienate his Kingdom) But, we may see the spirit of this man and his party, who must have the King brought before the barr of their severe judgment, for any thing which they count mis-government in the State as well as the Church: if any would suggest to the King, that it is only Church-government they stand on, let them take heed they do not both deceive themselves and him. Albeit Episcopacy were dead and buried, yet these pragmatick Pates must be occupyed in all State-matters; there is no peace with them if they be not admitted to search *arcana Imperii*, the my-

steries of State: and if they have not room in the Kings Councils to do as they please, his actings shall be soon in the Pulpit to be represented as they please. But, for this particular, was it such a crime of mis-government (in the necessary want of a prime Officer of State) for the King to give special trust to one single person (without overruling his Council) to correspond with him, and to take care of publick Affairs? Doth the King of *Spain*, appointing a Deputy in *Naples*, the *Low-countreys*, *Mexico*, or other of his Dominions, therefore alienate his Crown? or, is he therefore to be looked upon as doing that? or, will it import that he may do so? Or, may the King of *Britain* alienate *Ireland*, because there he hath a Deputy? It is not against the fundamental Laws of this Kingdom, that the King being absent, should lay some greater burthen of the Government upon some single person, with whom he may specially correspond, without neglect of his Council; and it is known, whether under that name of Commissioner or not, Kings (when absent) must have some one or other to communicate their minds to in publick Affairs, more immediatly then to others. Nor is it against our own Laws and Customs, that there have been Lieutenants under the King (even when he was present in the Kingdom) for managing the Government, even when the King was neither minor, nor disabled by sickness or age. As in the time of *Robert* the second King of *Scotland*, he had under him his Lieutenant and Governour of the Realm, *Robert* Earl of *Carrict*, afterward King *Robert* the third, Father to *James* the first. And it may be seen in the Parliament held at *Scoon*, *Anno*, 1372. the Earl of *Carrict* is constitute by the King as his *Locumtenens*, his Lieutenant, and he gives his personal Oath of fidelity to the King and Countrey, and the Parliament swears to be true in assisting him *sub Rege* in executing justice. And if a King may make a Lieutenant to himself while he is within the Kingdom, as that King did, with how much more reason might the King have one when he is without the Kingdom?

But, as to the Council, that he might leave no Authority untouched with his foul hands, he falls on them for six Proclamations emitted in the Kings Name; he calls their Acts and Proclamations *very wickedness*, Pag. 126. and exclaims on the Council, in Scripture phrase, as *murtherers*, Pag. 123. *Wo is me now, my soul is weary because of murtherers.* But a little consider the Proclamations: The *first Proclamation* doth not (as this man saith) discharge all charitable Contributions; this is a calumny. All that is intended by the Proclama-

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tion is, that no publick Contributions be made without the causes be seen and approven by the Magistrate and he be satisfied in the designs and ends of such Contributions pretended for charity: If such disorder be permitted, that the Kings Subjects be put to contribute without his approbation or permission, a cash might be gathered by a seditious people to levy war against the King, or to feed and foster his known enemies under pretence of charitable Contributions. In the *second Proclamation*, Parochioners are injoyned orderly to repair to their own Paroches; and this Companion is an insolent Sectary, in calling our Paroch-assemblies *Curates Conventicles*: they are meetings of Gods people under lawful Orthodox Pastors, (as he dare not deny, and will be made good against him) and yet this man, who will have Papists forced to the Church, albeit they think the Minister an Heretick, will have Protestants forsaking the true Church and true Ministry. As to the *third Proclamation against Conventicles*; The occasional meetings of gracious and humble Christians, for the exercise of Gods worship to their mutual edification, were never inhibited; nay, on the contrary, the King engages to give all encouragement to godly and peaceable persons, both in the publick and private worship of God, nor will the liberty be denyed which is allowed by the General Assembly, 1641. in the Act against Impiety and Schisme. But, when these Kingdoms had (for many years) sadly experienced the evil fruits of Conventicles (under pretence of Religion, but for worse ends really) who can blame the Rulers to have such meetings in some jealousie, and to keep a watchful eye over them, that they be not Nurseries of mischief wherein rebellion is contrived, while God is pretended to be worshipped, especially when open contemners of publick Worship do flock together to such Conventicles? shall there be no restraint put upon the meetings of such persons, in order to the preservation of publick Peace? The *fourth Proclamation* requiring such as had assisted, or might be called to assist Ministers in Discipline and the exercise thereof, hath nothing evil in it. What suppose it were not told them in what capacity they were to act (as Elders are not) There is no person in a Paroch (thought fit for it, and being warranded by the King and Councils Authority) but may, and ought to counsel, countenance and assist a Minister in bridling and bringing to order scandalous sinners: but such is the regard this man hath to Gods glory, that he will have all men to stand upon their points, before they do God any service in curbing scandalous offenders. And though by their wisdom, authority and moyen in a Paroche, they might be

be very assistant to the Minister in such a work, yet will he have them do nothing, unless they be declared Elders of equal power with the Minister, and direct managers of the keyes of the kingdom of Heaven. And yet, we say, that these who thought themselves such Elders before, (supposed to have a divine Ecclesiastical Calling) were left by the Proclamation to possess themselves of that opinion, (which the Proclamation declares not against) So that they might have been doing the duty injoyned, upon their own principles and grounds. It is a certain truth, when a duty (which is upon the matter good) is commanded to be done either by an usurped Authority, or by a lawful Authority upon unwarrandable grounds; yet, if he who is commanded to do it, finds a co-incidence of another just and oblieging Authority and a well-grounded command, he may, and ought to do the thing commanded, albeit on the part of the one Authority that commands, there be defect of just power, or though his command doth not stand (as it comes from him) upon warrandable grounds, I may do many things *eo jubente, sed non ejus jussu.* This well considered, might have helped both Ministers to have concurred in Synods, and Elders in Sessions, without so much scrupling as was pretended. The *fifth Proclamation* is justifiable as the third is, being much to the same purpose. The *sixth Proclamation* was very pious, inferring no imposition upon mens judgements touching Episcopacy (although it be not against piety to allow thereof) The purpose of it is only, that godly superiors should in their callings labour, that their inferiours turn not rank Atheists, and that they be not exposed to the seducing snares of the devil, by forsaking the orderly waiting on an orthodox and lawful Ministry. All these things considered, what reason was there for a petulant Rhetorician to flee upon his Majesties Council and Proclamations issuing from him by their deliverance?

But next, above all he vents his splen against that moderate (not arbitrary) Commission, for executing the Laws touching Religion: he challengeth the illegality of the erection thereof, and tyranny of proceeding therein. This Commission he calls *high*, but it is *very low and limited* in its actings, and more then some other Judicatories in the Land, *Naph.* pag. 114. &c. pag. 143. &c. and, pag. 126.

Now he flees out so furiously against this Judicatory, that not only pleads he it to be illegal in the erection of it; but also, arbitrary and highly tyrannical in the proceedings and actings thereof; of which, two things let us now take notice. 1. *Naph. pag.* 114. alledgeth this Court directly contraveens the Act of Parliament, Parl. 8. K. *Jam.* 6.

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Act. 131. *Discharging all new Courts, not approved in Parliament:* and because he foresaw, that the acknowledgement of the Kings Supremacy and Prerogative, might be some ground for his liberty to erect this Court for executing his Laws, the Libeller sayes jeeringly, *That the Catholicon of the Kings omnipotent Prerogative* (where is the man that counts it omnipotent?) *cannot salve this breach in respect the same Prerogative was by the* 129. *Act of that same Parliament, immediately preceeding the Act alledged, then also recently enacted.* And then he exclaims on this Court, as a *State-monster, absurdly confounding Ecclesiastical and Civil jurisdiction, impowering secular persons to suspend and depose, and pretended Churchmen and Ministers to fine, confine, incarcerate,* &c.

True it is, that in that Parliament, 1584. *May* 22. the Kings Royal power over all States and Subjects within the Realm, was ratifyed or rather declared (not recently enacted, as this man falsely saith) the occasion whereof, was the malapertness of some Ministers, who, having preached treason in the Pulpit, for which they were convented before the King and his Council, did decline him and them, because (forsooth) they behoved to have no Judges of their doctrine but their own Presbyteries; whereupon, the Parliament asserts the King Authority over all Ministers, and with the Kings Authority, declare it punishable as high treason, if any person, (Minister or others) being summoned before him and his Council, should offer to decline him or his Successors and their Council. This was done indeed, as became a Monarch and a faithful Parliament, that heady demagogues might not, under pretence of preaching, do and say as they pleas'd to the open affronting of the Supreme Authority of the Land. True it is also, in the 131. Act of that Parliament, *all judgements and jurisdictions, that had been accustomed to be used and executed upon his Majesties Subjects, for twenty four years by past, which had not been approved by his Highness and the States, are ordained to cease in time coming, while the order thereof be considered by his Highness and the Parliament, and allowed and ratified by them.* It is manifest by the Act it self and the occasion of it, that Church-assemblies, (which had usurped Power over the subjects without Law, or allowance of the King and his Parliament) were specially meant, (not excluding any jurisdictions or judgements civil, which before that time had entred in use and practice without Law, if any such were) But evident it is by the Act it self, that whatever discharge there is of formes of judgements and jurisdictions, before that Act entered in practice and custom, with

without allowance of King and Parliament, yet a liberty is left to his Majesty, (without mentioning the Estates) *by his special command and expresse licence, to call Councils, Conventions, Assemblies, to treat, consult of, determine in matters of State, Civil or Ecclesiastical, even otherwise then in the ordinary judgement*: For, it being declared unlawful for Subjects, without his command and licence to meet and treat of these matters (except in ordinary judgements and judicatories) the Parliament clearly makes it free for the King, to give command and licence to some, to meet to treat of such matters (even outwith the ordinary judgements) to call such meetings, as he sees the necessity of the State and publick peace require, is remitted to him, even outwith the ordinary judgements. This power the Parliament took to be included in his Prerogative (which they had acknowledged) to be used by him as he might see the particular necessities of the State did require. So that if the King should some time find a necessity of setting up a Court, (albeit none of the ordinary Judicatories) he is fully warranded by that Act of Parliament to do it, and it well accords with the intent of that Act. Accordingly, that very same Parliament, in the following Act, 132. twice over mentions and allows *the jurisdiction of the Kings Commissioners in causes Ecclesiastical*: And also in the Act, 133. So that it is false, that Commissioners or Courts meeting about Ecclesiastical affairs by the Kings Commission, are by that Parliament disallowed; all former Courts not allowed by Law, were indeed discharged, till they should be approven by King and Parliament; but future Courts, which his Majesty might see fit for executing his Laws in some Church matters, (not for making new Laws, nor encroaching upon the work either of Council or Session, or other ordinary Judicatories) are no way forbidden in that 131. Act of Parliament, but (as we have heard) rather allowed, and a liberty in these things left to his Majesty; So that in setting up this Court, he doth nothing against Law, but according to it: besides this *we hear also of the Kings Commissioners in causes Ecclesiastical, Par. 3. Jam. 6. Act 51. and Par. 11. Act 28.* So that such a Commission to be given by the King, for putting his Laws concerning Church-affairs to execution, is no new thing in this Kingdom, nor without the approbation of our Laws, near a hundred years ago, and even since the times of reformation. We enquire not anent the diverse measures of Power granted to these, so called Commissioners then and now; only, we see that by law, the King might appoint Commissioners in causes Ecclesiastical: Neither doth the King any thing be-

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sides his duty, in appointing some to take special care of the vigorous execution of his laws touching Ecclesiastical affairs, and to represse disorderly and tumultuous affronting of these. Nor is it any prejudice to the Subject, these Commissioners being limited by the law in their procedure; yea, it is for the ease of the Subjects to sequester some to notice these matters in special manner, that they may not be burthened with a tedious and chargeable attendance before they get a hearing or closing of their matters; an inconveniency that might endamnage them in their attendance on some greater Courts, where multiplicity and throng of weighty affairs might make a necessity of great delay, and longer and more chargeable waiting. And there is no man, that can cordially acknowledge the Kings Supremacy, but must allow him a power for better preserving order and the greater conveniency of the Subject to erect (when need is) such a well regulate Commission-Court.

But the other great exception against this Commission is, that it is a *State-Monster*; the *Apol.* and this man calls the King *a State-antichrist, a civil Pope*, because he will not let every Minister and their meetings play the Pope, but claims his own right. And now (forsooth) the Commission, (which he calls *high*, though it be levelled with the Laws) must be *a State-monster*. And why is it so? because (saith he) it absurdly confounds civil and ecclesiastical jurisdiction, *impowering secular persons to suspend, depose Ministers*. And the *Apol.* adds, *pag. 199. to excommunicate, and giving pretended Church-men and Ministers power to fine, confine, incarcerate*. To which we say, 1. That it is false that the King commits suspension, deposition, excommunication to meer secular men; there is not one word in the Commission of excommunication, (so that herein the *Apologist* lies splendidly) nor is there any word in the Commission, importing a power given to secular men, to suspend or depose Ministers; For, the Commission (as the words bear) doth only empower the persons named, *to appoint disorderly Ministers to be censured, with suspension and deposition*. Now sure, it is one thing to appoint *to be done*, and another thing *to do*: Our ancient zealous Parliaments, thought it no encroachment upon the priviledges of the Church of Christ, (neither did the Church then think so of their deed) *to appoint* relapsed Papists and non-Communicants continuing obstinate, to be excommunicated, and the sentence to be pronounced against them. And *to appoint* superintendents negligent in their duties to be removed, Par. 3. *James 6.* Act 45. Not that they thought, that secular-men, (as this spiritual-man calls them) could immediately execute and do such things; yet, *they appoint* the

things to be done by these whose concernment and calling it was to be immediate doers thereof: and this is no more then any Supreme Magistrate may do. Any Supreme Magistrate may, upon cognition of the cause, appoint Church-men to do their Office in censuring Delinquents, as they will be answerable, for the right discharge of their duty, according to the Laws which concern Affairs Ecclesiastical.

But, it will be said, that albeit a civil Judicatory may appoint Church-men or Meetings to do their duty in Ecclesiastical censuring of Ministers, or others who are delinquent; yet, they may not antecedently take the cognition of the cause to themselves, but refer both the cognition of the cause and executing of the censure to Church-men, who by vertue of their spiritual Calling and Office, may in the Name of Christ, both judge and execute the censure. But, this Judicatory doth not only take the antecedent cognition of the cause, but further, doth actually censure with suspension and deposition, which are proper Ecclesiastical censures.

Ans. 1. When a Church and State are embodyed together, and become materially one; and when Religion and the order of it is become the Law of the Land, that the Magistrate, the Law-giver, may not (without dependence on others) judge what facts are clearly contrary to the Law (avowed also by the party accused to be contrary) and punishable according to the tenor of it, is indeed a strange limitation upon his power. Who can imagine, that a Law-giver may not judge according to his own Laws, and injoyn the executing of Law to these who by their calling are concerned in the immediate execution thereof? If a Magistrate may appoint an obstinate Papist to be excommunicated by the Church (a thing our Law, as we heard, doth allow of) Why may not the Magistrate be Judge in the matter of fact clearly contrary to the Law, and injoyn Church-rulers to do their duty in the immediate executing of the censure? True it is indeed, where the fact is not clear, nor confessed to be against the Law (as for example, If a false Teacher or Heretick plead, that his Doctrine is not against the Religion established by Law) in that case, much is to be attributed by the Magistrate to Church-officers and their Meetings, that they may *respondere de jure*, and declare the opposition of the Hereticks Doctrine to the received orthodox Doctrine established by Law: But, where the fact is both in it self clear, and clearly confessed by the accused party to be against the Laws concerning Religion, the Magistrate may antecedently judge thereof, and needs not wait on the resolution of others, but put Church-men to do their duty in censuring the

the delinquent as he deserves, and as they will be answerable for male-administration, in not doing their duties as the Law injoyns.

2. As for what is said, that in that Commission secular men (as this celestial Prophet calleth them) do by themselves suspend, depose Ministers, which are spiritual censures, only to be managed by spiritual Office-bearers, It is answered, 1. Suppose such a power were granted to these (so called secular men) it would be considered, that this Commission is not intended to be perpetual, but is granted in the present, confused, and not yet well-constitute State of this Church (the Church having for many years been disjointed by a furious Faction) And their own men do grant, Magistrates may do a great deal more in Church-maters now then ordinarily in a sound constitution is allowable. 2. It is not true, that secular men do in this Commission suspend or depose Ministers, but only *they appoint them* to be so censured, whether by their own Bishops (if they absent) or by some other Bishops Members of the Meeting, who are their Ecclesiastical Superiors according to Law, and whom the whole Meeting may require to do their duty according to Law. 3. It is much doubted, if any Minister hath been formally deposed, (that is) deordinated or degraded of his Ministerial Function and all the power of it by that Commission; the most they do, is to remove them from a particular Church where they gave offence, or cannot serve with safety to the publick Peace (as the Commissioners do judge) or (where the transgression is great against the Laws) to discharge the exercise of their Ministry within the Kingdom, and to deprive them of any Benefice therein. If this be called deposition from the Office absolutely, it is not rightly so called. 4. As to what he adds of Church mens medling in civil Affairs in that Court, it leads to the great question of the lawfulness of civil Places or Power in Church-men, of which we desire not to speak much; wishing, that God may from time to time raise up honourable Persons, who are not imployed about Affairs in the Church, men of integrity and ability to serve their Prince and Country in managing the Civil Government, that others may not be put to the trouble; and praying God to bless and prosper these who are honoured by their Prince to be imployed in these matters. But when the question comes to be, whether a Prince, perceiving such measure of prudence and ability in some Church-men, that he doth account the assistance of their counsel and judgement needful for the publick good, may not at times make some use of their good Gifts for counsel or help in some parts of Government? and whether these Church-men (of which number they are but

few) may not, as *Cives Regni*, give him any measure of that assistance which he calls for, whether in counselling, as to the establishing of Laws, or judicial managing some times of some part of Civil Government; especially in that part of it that concerns the guarding and settling the Church, bearing down of scandals, and preserving respect to the Ordinances of God? It may be thought a very hard business either to seclude the Prince from making use of such, when he sees it fit for the publick necessities of the State, or for them to refuse to serve the Prince at any time in that kind as Subjects and *Cives Regni*; yet so, that there be no notable distraction from their main Calling, their temporary secession from the same being otherwayes sufficiently supplied, and they honestly aiming, in their temporary imployment for the State, at the good of the Church, which is lodged in the Commonwealth, the wellfare thereof much depending upon the happy and peaceable state and right government of the same. Mr. *Beza*, in his answer to my Lord *Glames*, quest. 1. approves, that a Pastor, being called by the King to be upon his Council, may thereto consent *tanquam Civis Regni*, and that a Minister may have, as a Citizen in the Commonwealth, place *in Comitiis Reipublicæ*, or in the Parliament; Yea, in the most strict times in this Church, Mr. *Pont*, Minister at *St. Cuthberts*, a great man in the Assemblies, was allowed or tolerated for a long time to be a Senator of the Colledge of Justice. True it is, a Gospel Minister should not be ambitious of any imployments *in rebus hujus seculi*, nor voluntarily and with delight follow these things, either aiming to satisfie carnal pride or sordid covetousnes, and turning his back upon his spiritual Calling, neglecting the flock of God committed to him, Ταυτα μελετα, ἐν τουτοις ισθι 1 *Tim.* 4. 15. *Meditate upon these things, give thy self wholly to them*, should be alwayes sounding in the ears of the Servant of God, who shall be blessed in making full proof of his Ministry, when the Lord at his coming shall find him so doing. But, when the former cautions are observed, we do not see the utter unlawfulnes of a Church-mans doing such services to his Prince, nor the utter incompatibility of these imployments concerning Religion and Justice in one person. Neither needs a Minister for this be judged a spiritual Souldier, intangling himself in *rebus hujus seculi*, more then he is to be judged so in the governing the affairs of his family, or in ruling a great Estate which possibly hath fallen to him by inheritance: If taking care about private and personal necessities or family affairs, may be competent to a Gospel Minister, why should it be thought altogether unlawful for him to serve the publick neces-

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fity at any time upon the call of the Prince, judging his gifts and pains sometimes useful for the publick good? And albeit there be none fully sufficient for the Gospel-administrations, 2 *Cor.* 2. 16. yet, God having put Ministers in several relations, to his Church, to their own families and to the Common-wealth, he hath made all these duties compatible, and accepts of the endeavours of his Servants, as to his Church and their duties toward it, in a consistency with their duties to their other relations which he imposes upon them. No man is fully sufficient for right doing of the duties of Gods worship one day; yet, the Lord accepts of peoples sincere performance of the duties of Religion, in a consistency with their duties in their particular callings.

But, now we come to the actings of this Commission, which this Railer doth wickedly call *wicked*, *arbitrary*, *tyrannous*: Yea, he asserts, P. 123. *That the practices of that Court have no precedent in the Christian world, save that of the Spanish Inquisition.* And, pag. 126. he averrs, *That it is more then evident, that our oppressions and grievances, by reason of that Court alone, do far exceed all the pressures and injuries of the Spanish Inquisition, whereupon the* United Provinces *have justified and approved their revolt from the King of* Spain *to all Protestant States and Churches.*

Before the exceptions at the proceedings of this Court be considered, we cannot but be astonished at the bold wickedness of this Libeller, who dares not only to compare that Court with the Spanish Inquisition (representing it as far worse) but also to assert, that by reason of its exceeding the pressure of the Spanish Inquisition, there is juster cause to revolt from our King, then the *Netherlands* had upon account of that Inquisition to revolt from the King of *Spain*: For so he saith, *that the* Netherlands *upon that account justified their revolt before all Protestant States and Churches; and the pressures now being by this Court greater*, (as he saith) who cannot but clearly infer, that now a revolt of this Nation from the King is more justifiable, then that of the *Netherlands* from the King of *Spain*? This is so clear stirring up of the Subjects to a revolt from the King, that it cannot be coloured with any excuse. And it is wished, that all who love the King and the publick Peace, may watch well against such incendiaries.

But before we come to particulars, the man is in a very great mistake, to think that the injuries of the inquisition, were either the only or main cause of the revolt of the *Netherlands* from the King of *Spain*, (although the grievous and tyrannical proceedings of that Court, toward

ward these of the reformed Religion, and the bloody persecutions thereof, were brought in at last as a collateral or partial adjuvant cause of the revolt) for, any acquainted with that history may know, that the War of the *Neatherlands* against the King of *Spain*, was a War of State and not of Religion, the most part of the people then when they took Armes against him being Papists; the Armes were raised for their civil Liberties, which they conceived to be oppressed, first by Cardinal *Granvil*, then by Duke *de Alva* (especially) sent thither by the King of *Spain*. The oppressions used by this Duke against their civil Liberties and his horrible cruelty, destroying by the hand of the Hang-man eighteen thousand of them in the time of six years, wherein he governed them, as the history saith, was the great cause of the War and of the revolt, as any acquainted with the history may know. But it is horrible perverseness in this man to suggest, that the proceedings of this one Court of Commission, for executing his Majesties Laws, should be a greater cause of revolt then that which the *Neatherlands* had, for their revolt from the King of *Spain*: seing neither are our civil Liberties thereby oppressed (this he dare not say) nor hath there been any drop of any mans blood shed by them; nor any thing done by them, which may not abide the test and light of Law, as shall now appear by considering his exceptions against their proceedings. 1. He saith, that contrary to the Act of Parl. *Jam. 6. Parl.* 10. *cap.* 13. *Anno*, 1585. *persons are brought before them by seisure, or summary citation, without any cause signified, but to answer* super inquirendis, *without libel or accuser*. Ans. There is indeed in that Parl. an Act *discharging the Secretary or any of his deputies, Keepers of the Signet, to give out Letters against any persons, charging them* super inquirendis: Yet, in that very same Act, there is a special provision and exception, that such Letters may be given out, *if subscribed by four of the chief Officers of State, whereof the Chancellor, Thesaurer, Secretary, was to be one; they perfectly understanding, that such Letters are advisedly directed, for matters being in themselves treason indeed, or otherwise being of highest importance to his Highness person and proper estate, that may suffer no delay*. In this case Letters charging *super inquirendis* are allowed by Parliament. And now, if that honourable Court of the Commission did issue any such citation, (as is mentioned by the Libeller) *finding the matters to be of high importance to his Majesties Person or Peace of his State, which could suffer no delay*, they have not transgressed the Law, especially there being upon the Commission *a competent number*

ber of Officers of State consenting to issue the summons. And further it may be said, whatever inhibition by the Act there is against the Secretary or his Deputies, to issue such summons, this hinders not the King and his Council, (or any part thereof, whom he employes about publick affairs) to issue such summons, when they see the safety of the Kings person and publick peace so to require it, that the matter cannot admit delay. 2. The Libeller chargeth the Court for tyrannical proceeding, *in refusing to permit advice to persons cited, or to admit or receive Lawful defences*, &c. instanced in one Mr. *Porterfield* his case. Albeit it be a hard case for publick Judicatories to be brought upon the Stage, to make defence of their actings against every seditious person, that can slip in his calumnies against them into the presse, without avowing his name, (if Lords of Council and Session were put to the task, how burthensome, ridiculous and contemptible should Government be rendred in the eyes of people?) yet we doubt not, that the honourable Court of the Commission can and will clear their own actings, and that they do not deny to any man *to advise himself well, nor refuse to admit lawful defences*, which needs not be many before a Judicatory where the question is only of matter of fact in submitting to the Laws or not: the only defence against an accusation for not submitting to the Law, is to plead submission or a readiness to submit (seing the quality of the Law is not disputable in that Court) and such a defence, that Court never refused. If that person did offer to table a process against a Minister, in order to his censure, as it is not to be doubted, if that honourable Court could have conceived, that all scandalous words of Ministers to others, belonged to their cognisance (passing by the Bishops and Synods) they would have granted him a full hearing, he behaving himself as the Kings Subject: But when he refuseth the oath of Supremacy, albeit otherwise they might have congnosced upon his accusations against the Minister, the matter was justly stopped (to say nothing of other concurring circumstances, which the Libeller conceals, and cannot be cleared but from the Court-books) the *Juris-consults* will say, *Legem contemnens, non est dignus beneficio Legis*, his refusing to own the Kings Supremacy, did clear sufficiently from what fountain his disorderly withdrawing from publick Worship flowed, and also, his disaffection to the Kings Government, for which he was fined, &c. But when particularities of the processe are not known, the matter shall not be taken on trust from this malicous representer of all the proceedings of that Court. 3. He accuseth that Court, *for*

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arbitrary and tyrannous proceedings, becauſe they require men, who anſwer their other queſtions and demands, to take the oath of Supremacy, or ſome other ſubſcription for obedience to Eccleſiaſtical Laws, or any other bond and ſecurity they pleaſe, in which their tyranny they are ſo inconſequent, ſaith he, *that they neither remember that Laws ſhould be obeyed, not ſubſcribed, nor that this is a grievous impoſition upon the perſwaſions of people, which* (as he ſaith) *Was falſely charged on the Covenant. Anſ.* 1. Why did not the Libeller inſtance ſome perſons that were put to ſubſcribe obedience to Eccleſiaſtical Laws, and ſhew us what theſe Eccleſiaſtical Laws were, whereto their ſubſcription was required? Seing he hath not done this (not for want of will, which he ſhews in other things ſufficiently) it muſt be looked upon as his fiction. 2. As for putting men to take the oath of Supremacy, the Law allows the ſame, *as theſe who are entruſted by the King ſee cauſe to require it*; and for bonds for good behaviour and ſecuring the peace, he himſelf cannot diſallow them. 3. The man delivers here a piece of ſtrange Doctrine, *that whatever be the extent of a peoples ſurrender under any conſtitution, for the inforcing of obedience and ſubmiſſion; yet the liberty of perſwaſion is undoubtedly underſtood to be reſerved, and it cannot be abridged by any impoſed oath or ſubſcription, without their own conſent*: wherein, 1. He ſpeaketh a piece of ſublime nonſenſe, if he mean, that no oath impoſed on them to abridge their liberty, can be taken, without their own conſent, that is ſure; for, every one, that ſubſcribeth or ſweareth is preſumed to conſent (however his conſent be obtained) But if he mean, that *Magiſtrates can impoſe no oath upon any perſons, without their antecedent conſent to have it impoſed; or, that an oath, which is againſt their perſwaſion to the contrary, cannot be impoſed on them by the Magiſtrat's Authority* (which he muſt mean, if he ſpeak to purpoſe) he looſeth the ſinews of all Government, and of ſecurity of Magiſtrates in Governing. No oath of Alledgiance to the King can be thus impoſed, if people ſay, it abridgeth the liberty of their perſwaſion that it ſhould not be taken. And thus alſo (if this aſſertion hold good) the Covenant was undoubtedly impoſed unlawfully upon the moſt part of *Scotland*; for, men were not content, with a ſurrender in ſubmiſſion and obedience to Presbytery (other things in the Covenant concerning the Proteſtant Religion againſt Popery, were willingly owned) but would have that particular form ſworn (as this man thinks) in the Covenant, contrary to the liberty of perſwaſion that many had of it: And the impoſition was enforced on all ranks

with

with dreadful penalties; and all this done without and againſt peoples conſent, as antecedent to the impoſition. 2. Is it not evident, that when ſuch men had power, they were not content with peoples ſurrender to ſubmiſſion and obedience, but without their conſents regarding the liberty of no mans perſwaſion to the contrary, impoſed Oaths upon whom they would? not only that of the Covenant, but that Parl. in the Year, 1649. (now Declared null and unlawful) Act 10. Ordains a bond to be ſubſcribed by any whom they thought expedient to put to it; wherein, not only is the ſubſcriber under penalty engaged to keep the Peace, but the liberty of his perſwaſion is clearly abridged; for, he is ordained (as the words bear) to declare, *that he acknowledgeth the indiction, meeting and conſtitution, the lawfulneſs freedom and Authority of the ſaid Parliament*; and not only that he ſhould never call the ſame in queſtion, but even *diſcover and reveal the moſt ſecret thing, which in any ſort may prejudge that Parliament or their Committees* (were it but a word ſpoken by a friend in ſecret, *&c.*) Was there not here, not only a ſecuring ſubmiſſion and ſecuring the Peace under penalty, but a plain abridging the liberty of perſwaſion concerning the conſtitution of that Parliament? for, many that thought it unlawful and diſorderly, were put to aſſert the contrary, elſe they were to be held as publick enemies, and proceeded againſt with all extremity, that the Parliament and their Committee ſhould think fit. Will the Libeller ſay, that there was tyrannous proceeding? will he ſay that they dealt abſurdly, whereas they had made a Law declaring the lawfulneſs and freedom of the conſtitution of the Parliament; yet, to require mens ſubſcriptions to the matter of that Law, as they ſaw cauſe? will he ſay that obedience to them was ſufficiently ſecured by their own ſanction and needed not peoples hand-writing? But now, this meek Creature, in the preſent caſe will have no impoſition of Oaths or Subſcriptions againſt a peoples liberty of perſwaſion or to abridge it; this may be remembered for another time, if this ſort of men in divine wrath attain to power: In the mean time, their partiality may be obſerved in impoſing Oaths and Subſcriptions (when power was in their hand) upon any whom they pleaſed, without their conſent and without regarding the liberty of their perſwaſion to the contrary of things which they put them to declare; But now denying that liberty to the Magiſtrate, to do any thing of this kind againſt the perſwaſion of people, whatever the matter of the Oath impoſed, or Subſcription required, be; for that is not under queſtion now. But be the matter of the Oath lawful

or unlawful, the man maintains, that againſt peoples perſwaſion and without their conſent there ſhould be no ſuch impoſition; albeit he and his party might have impoſed Oaths, *&c.* contrary to peoples conſents and perſwaſions. So doth he dote on his own party, as if they did all things infallibly right: And no ſuch power is now to be allowed to Magiſtrates, as was and ſhould be allowed to his party when in power. 4. That honourable Court is charged *with ſuddain proceeding to ſentence, without any breathing or intermiſſion, upon diſcovery of the leaſt guilt or offenſive demeanor*; And *of exceeding their Commiſſion and the Laws in their degrees and qualities of puniſhments they inflict.* Untill this Libeller produce his proofs, it ſhall not be believed on his teſtimony, (although his ſeduced party may be given over to believe his lies) That this Court, wherein there are ſo many perſons of Honour and Conſcience, doth precipitate their ſentences, or proceed without grave advice, conſidering that they have not only upon them the eyes of an evil people in a ſeditious and quarelſome time; but, that they are accomptable to the King in their doings, and above all, that the eyes of the great God are upon them, who will reviſe all their ſentences and judgements.

As for the exceſſes of puniſhment *inflicted* (as he ſaith) *beyond all proportion either of Law or reaſon, and beyond their Commiſſion*, which (as he ſaith) *in the principal, hath no ſuch warrand as to ſtigmatize, baniſh*, &c. We ſay, when he can produce the principal warrand of the Commiſſion, their power will be ſeen; nor can any rationally ſuppoſe that the Court would venture beyond the bounds of their Commiſſion: And if his Majeſties Council, or any competent number thereof (in that capacity) did in the caſe of horrid villanies highly tending to the diſturbance of publick Peace, aggravate puniſhments, they know how to anſwer it. And it is worthy to be conſidered, ſeing it is impoſſible for humane Laws expreſly to provide the proportioning of puniſhments to all poſſible aggravating or alleviating circumſtances of faults, whether in puniſhing, Judges ſhould be ſo tyed to the letter of the Law, that in caſe of ſome ſpecial unforeſeen circumſtances of faults, whether alleviating or aggravating the ſame, they may not either mitigate the puniſhment, or make it ſomewhat greater. Albeit in ordinary caſes they are to look to the letter of the Law, and ſteer their courſe by that Star; yet, ſometimes there is a neceſſity to commit ſome particularities (which the Law could not comprehend) to the prudence of Judges, who are rather to look to the mind of the Law-giver and the equity of the Law, as applyed to actions ſo or ſo circumſtantiated, then

to

to the bare letter of the Law. In judging according to humane Laws, sometimes *æquum* is to be preferred to *justum*, there being that defect in them, that there could be no provision for all circumstances of actions concerning which Laws are made; which causeth a necessity of referring much (in cases of punishment) to prudent and good Judges. *Cicero pro Cæcinna* speaking of Laws, saith, *Scriptum sequi calumniatoris est, boni vero Judicis authoritatem scriptoris voluntatemque defendere.* It will not be denyed by any rational man, that where circumstances do notably lessen a fault against humane Laws, if the Judge should strain the Law to the punishing of such a person according to the rigour of justice, which the letter of the Law holds forth or seems to require: There *summum jus* might be *summa injuria*; every one will grant, that in such cases, the ἀκριβοδίκαιον, or height of the Laws rigour, may be corrected by the prudent Judge, and without partiality mollified according to the mind of the Law-giver, who purposed not in such and such cases, that the rigour of the Letter should be stood upon unreasonably, (could such circumstances been foreseen) So upon the other hand, when there are some exorbitant, horrid, flagitious aggravations of faults, not provided against by the Law-giver in the letter of the Law as to due punishment, much is to be permitted to the prudent and good Judge in aggravating the punishment, even above what the letter of the Law holds forth, (yet so, that as men fearing God, they do not indulge themselves in exceeding the merits of the cause, through any private revenge while they are inflicting punishments) Punitive Justice being the Medicine of the Commonwealth, Judges should have their eye to the Laws in using it; and yet, as the circumstances of faults notably vary, so may the aggravations of punishments (which belong to some few, albeit the fear and fruit thereof belong to all) may be also wisely ordered by the prudent Judge; *Secundum quantitatem delicti pœnæ augendæ*, say the Lawyers. Neither is it against Reason nor against Law, to aggravate punishments as crimes are aggravated; See Parl. K. *Jam.* 6. Act 27. Parl. 1. *Char.* 1. Act 7. A Physician may be walking according to the rules of his Art, albeit he keep not the same method with all persons at all times in curing the same diseases. Who will think, that (when two persons, equally culpable as to the matter of the breaking of a Law, yet the one in his being disobedient hath shewed more modesty, the other hath been more ranting and vain, and shewed some contempt of the Law or Law-giver, or of the Judge before whom he appears, in proud, haughty misdemeanor) the Judge may not, in such a particular case

so circumstantiated, aggravate the punishment of the one man beyond the other, albeit the Law hath not provided for such an aggravation of a fault a particular aggravation of punishment?

Particularly, as to the stigmatizing and scourging four persons who invaded a lawfull Minister in going about his Calling according to our Lawes, they deserved to be proceeded against criminally, and being by Law worthy of greater punishment, the Judges in punishing them as they did, exceeded not in making such a commutation of punishment, which was less then our Acts of Parliament required to be inflicted: there was therein a mitigation of the Law-punishment. But this mans spirit may be here easily discerned, who (although he would gladly cover the wicked violence of these persons against Mr. *Scot*, whom he calls excommunicated, but tells not when, or by whom, or for what cause) under the Rhetorical flowers of the excess of humane passion, *Naph.* Pag. 127. Yet he saith, *all the people of* Scotland *were indispensibly oblieged in a higher measure, to imitate their* wicked *example for extirpation of Prelats*, &c. Lord rebuke such men of violence and blood, and give them mercy and repentance, if they be corrigible. As for that he calls *banishment and deportation to slavery* whereunto some were sentenced (of which he can give no instances, but of one Minister sent to *Zetland*, and of two Rusticks appointed to be sent to *Barbado's*) It is a thing as very ordinary in all Kingdoms, so consonant to the Laws and Customs of this Kingdom, to banish and drive away turbulent and insolent persons, who can be contained in no good order, but do continually creat troubles to the State. If a Minister, carrying insolently to the Court appointed by the King, or chief Members of it, had some more then ordinary measure of severity used upon him, for that and his other seditious carriage (under pretence of private exercise) he deserved it no less that he bore the name of a Minister, but the more, that having been in that Calling, his corrupt pride miscarried him to what became not a Minister: and that which is called *his banishment to* Zetland, was but a confinement. As for these appointed to go to *Barbado's*, this Libeller highly aggravats this *deportation to slavery* (as he calls it) and saith, *The whole tenor of our Laws, and the undoubted priviledge of Christianity, reprobats and condemns such a punishment* (as to be sold) *which they behoved to be, not being able to redeem themselves or their liberty*, Naph. Pag. 126. Now to this we say, that as this was the appointment only for two persons in all *Scotland*, (whose crimes deserved a punishment of a higher proportion and greatness) So, if it

was

was executed, what a great matter is here to make such a noise, about the sending of two turbulent and truculent persons to *Barbado's*, amongst Christians better then themselves, and *ubi nullum est periculum fidei*, and where they might have both the Gospel in liberty, and more gainful service then they could have in *Scotland*, and have the advantage also of being out of capacity of making trouble in this Land, which might bring them to an evil end? And for what he talks of their being sold slaves there, (*a punishment*, as he saith, *reprobate* and condemned by the priviledge of Christianity) as their Judges did not in sending them away sell them (though they sold themselves to work violence and wickedness) So need they not, who are sent there, to sell themselves as perpetual slaves; there is no such thing in use there amongst Christians, only Masters may hire their labour for a certain determinate time; and these who are at charge in transporting them, may claim from them some benefit for their pains; it being supposed they consent themselves to the embarking, to avoid a greater evil. But, as in the determinate time of their service there, they have maintenance; So when the few years (wherein their labour is conduced) do expire, their gains amount to more then they could have gotten in *Scotland*; and very few of ours who go there have a mind to quite the Land again. But, as our Law hath nothing against such sending to a Christian Country, (especially within the Kings Dominions) these who are at home extremely unruly; So, albeit it were a selling to slavery, the Libeller is much mistaken in saying, that *the undoubted priviledge of Christianity doth reprobate and condemn such a thing*: For, albeit it be true, that by the positive Laws of Christian Princes, for the honour of Christ and respect to Christian fraternity, such a thing as the ancient slavery is come in desuetude; and now we have but servants hired for a time (who may in a year or at a certain time go out if they please) yet the Libeller (who would seem to speak all from the Word) would be desired to produce his warrand from the Word, that it is the undoubted priviledge of all professing to be Christians, that they cannot be sold as perpetual servants, or at least according to the measure of the time, which amongst the ancient people of God, the Hebrews were allowed by the Law of God, (as to Hebrew servants) *Exod.* 21. 2. *Levit.* 25. 39. *Deut.* 15. 12. which is the usual time of this service. If this great Theologue can instruct us, that every such thing is unlawful amongst Christians, let him produce his strong proofs that we may consider of them. If this be the undoubted priviledge of Christians, never to be in such a case amongst

Christians,

Christians, some word of the Gospel must be produced for this. In the mean time, we must believe the Apostle *Paul* better then this vain Dictator, who albeit servants in these times wherein he wrote, were most part not hired for a time, but sold slaves, never doth either exhort their Masters in his Epistles to manumit them or set them free; nor exhorts he servants to flee from their service after their conversion to Christ; but exhorts both Christian Masters and servants (most of whom were in these times sold slaves) to a right carriage in their relations; approving the state servants were in as lawfull, but directing Masters to moderation and servants to humble duty. And better it were, that some thriftless, graceless or turbulent persons, should be sold to that condition of a moderate servitude to Christian Masters abroad, (who ought, according to duty, carry christianly to them) then that a Country should be pestered and cast in confusion by them.

And now the Libeller hath discharged his great Guns against that honourable Commission; by all which, the Reader's eyes may be opened to see how full of fury and madness the mans spirit is, to assert that the tyranny of this Commission alone is juster ground for a revolt from the King, then the *Neatherlands* had for revolting from the King of *Spain* because of the Spanish inquisition, which is the clear import of his words, *Napht. pag.* 226. What is the ground of the revolt? Forsooth, this is it: Four Rusticks were Stigmatized and Scourged for invading the person of an orthodox Minister following his calling; two companions, for their high misdemeanours, were appointed to be transported to *Barbadoes*, an Island within his Majesties Dominions; a furious man, whose fashions are disrelished by such as seem to be for Presbytery as well as others, is confined to *Zet and*; One Man and a woman, appointed for their misdemeanours to be Scourged, this is all he can say: albeit, being guided with a lying spirit, *pag.* 126. 130. he asserts these to be but a few instances of many particulars of this kind, *&c.* Whereas there are few or no moe instances then he hath named. And shall all this, (considering what hath been said) amount to a clearer justification of a revolt from the King, then the *Neatherlands* had to revolt from the King of *Spain*? Cursed be this mans anger, for it is fierce; and his wrath, for it is cruel: *O my Soul, come not thou into his secret*!

But now come we to see the Libellers declamations, against the honest City of *Edingburgh*, who (in the day of the horrid rebellion of these who pretended Religion) proved religiously honest and loyal to their lawful Soveraign. That City hath, under the conduct of that

that truly honourable Gentleman, Sir *Andrew Ramsay* Lord Provoſt, left ſuch a laſting memorial of their love and loyalty to the King, that generations to come will remember the ſame to their honour. Their actings are little inferiour (if not equal) to the honourable actings of the Lord Mayor and City of *London*, againſt the rebellious rout raiſed under *Wat Tyler* and *Jack Straw* of old againſt the King of *England*; the remembrance whereof continues in hiſtory for the glory of that City: And no doubt, his Sacred Majeſty, will in his time really demonſtrate his kind reſentments of the ſignal loyalty of the City of *Edinburgh* to him in a time of need. But this Libeller furiouſly falls upon that noble City, calling that loyal conjunction of the Council and Militia of the City (wherein they engaged, *to be true and faithful to the King, and to defend his Authority againſt this Inſurrection and Rebellion, and any other that ſhould happen, with the hazzard of their lives and fortunes*) *a conſpiracy, conjuration and horrid Rebellion againſt the great God*, Napht. p. 2. 14. And he ſaith, *that they took part with the Rebels and Apoſtates, againſt God, to oppoſe and oppreſſe the godly, and that they abandoned Religion and Liberty to the luſt of abuſed Authority*, Napht. pag. 166. And pag. 167. he threatens Londons *Plagues and Judgements* againſt Edinburgh, *as being more ſinful upon the account of this Conſpiration then* London. Let the City of *Edinburgh* look to the ſpirits of ſuch men; whether they have a mind to ſet them in *Londons* flame of conflagration (that their word may be made good) who can tell? It is their way, when they have propheſied and menaced miſchief, to ſet ſome a work to do it, leſt they ſhould ſeem falſe Prophets. God Almighty watch over that people, againſt all the fury of incendiaries, who are full of extream cruelty, and their wayes are wayes of deſolation and deſtruction. *Edinburgh* may ſee cauſe to beware, leſt ſuch fire-birds neſtle in their boſome in ſuch a multitude, as may again hazard a ſurpriſal of the City, or ſome new miſchief. But, as to the deed of that City which they ſo maliciouſly aſperſe, it was moſt *lawful, loyal* and *laudable*. That judicious Lord Provoſt, honourable Council and faithful Militia of the City, beholding a rabble of private Country-clowns almoſt at the Ports of their City, who had riſen in Arms without and againſt his Majeſties Authority and all Authorities in the Land, did juſtly judge the riſing to be an inſurrection againſt the King and his Authority, and ingaged themſelves honourably to maintain the ſame againſt that inſurrection (or any other that ſhould happen) with their lives and fortunes. For this

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the Libeller rageth against that loyal people, because they did not joyn themselves with rank Rebels against the King to work mischief with them, and did not set up their Ports, to give them liberty to come in, and lay their hands upon all their pleasant and precious things, to make up their losses at home; and to take the Princes and Nobles to bind them in chains and fetters of iron, that they might possess their abused places, (as this Libeller discovers their intention to have been) and to execute judgement *Phinees*-like upon all whom they in their bloody cruelty had designed unto death. As the absurd man mentioned in the Roman histories, entred action of Law against a certain person, because, when he struck at him with his Sword, he would not let it enter far enongh into his body; So, this clamorous man pleads against this noble City, because they gave not way to the wickedness of an enraged party, to come into their bowels, and to make *Munster* of *Edinburgh*. As for his Declamations against the loyal engagement of that City *to be faithful, and to maintain the Kings Authority against that Rebellion, and others that might happen, with their lives and fortunes*; Who but a furious Rebel, will deny the lawfulness of it? And for what he saith, *that the obligation of loyalty should have been With a restriction to Religion, &c.* That hath been formerly spoken of; And this mans doctrine, *pag.* 177. where he asserts *all alledgiance to a King is indispensibly restricted to his maintaining of Religion according to the Covenants* (and the Religion he aims at mainly is Presbytery, about which, as elsewhere he tells us, *all the zeal of Christians should be concentred, as the main Covenanted duty*, is a most false, wicked, Anabaptistical doctrine, (and also, in special considerations, Antichristian and Popish) which all orthodox Protestants will look upon as a cursed error. God be praised, our King continueth firm to the Protestant Religion, and alloweth and encourageth his Subjects in the profession of the same. But were it otherwise, (which God averr, and which cannot be surmised without much wickedness) we should not think our selves loosed from Alledgiance to him; albeit we owe no obedience to any thing he might enjoyn contrary to Gods mind, *Alledgiance* is one thing and *obedience* another, and are sometimes separable. And that loyal City in their engagement to maintain the Kings Authority against the Rebells, did not (as this man wickedly glosses upon their engagement, *Napht.* pag. 178.) *bind themselves to concur actively with, and assist the King in all his tyranny, or whatever he should command or do, to the overturning the work of God, subverting Religion,* &c. But, supposing and being perswaded, that

that their Religion, (which ſtands not in a Presbyterian parity of Miniſters governing the Church) was kept intire to them and not ſubverted, and that the rights and liberties of the Nation were not taken away, but ſtrengthned; they framed their engagement to the neceſſity of the preſent caſe, beholding an Army at their ports in Armes againſt his Majeſties Authority, (which no man, but one of a deſperately hard face, could deny) thus they bound themſelves, for maintaining his Authority then invaded: No doubt, being ready alſo to ſpecifie their engagement to his Majeſty, whenſoever by him they are called to maintain his Authority, in maintenance of Religion and Liberty, invaded by any whatſoever. If the Covenant (which this man calls ſo oft holy) importeth ſuch limitation and reſtriction of duty to the King in owning his Authority, as this man often aſſerteth; it is an unholy Covenant, becauſe contrary to the holy Scriptures, (which do allow alledgiance and ſubjection to the King, though not obedience, without ſuch reſtriction or limitation) And this idol (as it is gloſſed upon by the faction in that article concerning the King, and in other articles) is to be caſt by as a *Nehuſhtan* and a device of ſinful men, in the compoſure and aimes of it, contrived to be an incentive of ſedition; and (as this man abuſeth it) to be the bellows of a civil conflagration by continual amuſing the people with the *Gorgons*-head of the holy Covenant; and which alſo he calls the *magna Charta* of Religion and Righteouſneſs, *Napht. pag.* 85. too high a ſtile for a humane deceitful device, a ſtile to be reſerved for Scripture and the Covenant of grace with ſinners, by which we are ſanctified, and whereby we look for life eternal. Certainly, there is none that truly fears God, that dare appear before the Tribunal of God, owning theſe Covenants in the corrupt and antiſcriptural ſenſe which in ſeveral articles of them this Libeller and his Complices put upon them, *&c.* although they be paſſive of ſome ſound ſenſe; yea, and ſuch as tends neither to the overthrow of the preſent eſtabliſhment of Government of Church or State, nor to the inſtigating of private perſons, (who think themſelves ſtrong enough) to riſe in Armes againſt all Authorities, and occupy their places, or puniſh their perſons: to which wickedneſs, this Libeller will have the Covenant to tye indiſpenſibly. But to leave this, that loyal City did but what was their duty, and what is the duty of all *Scotland* to do in the like caſe; nor had the Libeller any reaſon to ſpew out his venom upon them, *Napht. pag.* 177. 178. calling that City, *Wretched Edinburgh*, aſſerting, *that they had made a conſpiracy and combination againſt the Lord*

and his annointed, and had joyned themselves with the powers and authorities of the Land, being in manifest and notorious Rebellion against the Lord, and that there is a double wickedness in their engagement, above all that the Declaration doth import (there being wickedness in none of these) but what shall be done with a ranting railer? What a pain is it to rake in his swelling wicked words of vanity?

As to the reproaches wherewith this Libeller and his fellow witness the *Apolog.* loads the Nobles and honourable Judges of the Land, calling the Nobles, *Napht. pag.* 176. men utterly blinded and slavish, and, *Apolog.* 24. 25. calling them profane and debaucht men of no conscience and honour, who have ship-wracked their consciences and sold their Souls to the service of ambitious designs, and such as have acted below men, and have consented to Episcopacy, only to have liberty to follow sin with greedinesse, *&c.* And the *Apolog. pag.* 328. 329. speaks of our honourable Judges, as the vilest of men, perjured and men-sworn, from whom no Justice can be expected, who would not be suffered to be Judges among Heathens, whose Oath ought not to be admitted above ten shillings *Scots* in any Court of *Scotland.* These things are unworthy to be mentioned, it shall only be wished, that both our Nobles and all persons of all ranks, may be blessed with grace from God to walk christianly, that this Reviler may be refuted by their real Godlinesse: But we must say, that it is no part of the ungodlinesse imputed to them, that they have acknowledged the non-obligation of an unlawful or not binding Oath, rashly entred upon in the fury of these former times, and now not to be cleaved unto without sin, in the matters under debate. God the searcher of hearts, knoweth how loath we would be to strengthen the hearts or hands of any person of any degree in a clear sin, that they might not return from it; but it shall be no grief of heart to these honourable persons, in the day of their accounts, that they have recognosced their due liberty from an insnaring Oath, as to the matters under debate, if otherwise they walk orderly before God; nor should they account much of the noise of the vain words of a seditious person, striving to cast iniquity upon them in clamourous invictives without any solid ground; such abusive dealing against eminent persons, *quis tulerit*? As it is sin, to deny that to be sin which is so; So it is a great sin, to acknowledge that to be sin which is not so. Wo to them who call *light darkness*, as well as to them, who call *darkness light.*

Finally, as to his reproaches cast upon the Lord General, whom he calleth *a Muscovia beast*, pag. 72. brought from *Musco* to be Execuri-

cutioner, &c. If the valour of that excellent Commander hath made him famous abroad in other Countries, why should this be turned to his disgrace? That generous person proved himself a wise and valiant Commander both in *Musco* and in *Scotland*: And if his severity hath been unpleasant to this mans party, who do not profit by lenitives, they may blame themselves. As for the miscarriages of the Souldiery, and their exactions upon the people (which had the Author pleased, he could have aggravated much more, and with as much either truth or falsehood as he hath done) we are not to justifie any thing that hath been amiss, more then to believe all that he saith to be truth: These are matters under the examination and tryal of the powers above us, who are concerned in these things, and not we.

But, because the most part of the challenges against all ranks of persons, proceed upon the owning of the Kings Supremacy anent Church-affairs; and upon their recognoscing the non-obligation of the Covenants, as to the retaining the form of Church-government in Presbyterian parity: Therefore, the two following Chapters shall treat of these matters at some length.

CHAP. II.

Of the King's Supremacy in and about Ecclesiastical Causes, against the Apolog. *pag.* 169. *&c. and against* Napht. *Pref.*

1. THe Author of *Naphtali*, with his fellow witness the Author of the *Apology*, pag. 169. do most irrationally and despitefully rail upon the Kings Majesty, for taking on him the care of Church-affairs which God allows him to have in his place, as if he *were turned a civil Pope, a State-antichrist, more absurd and intolerable then the Pope*, Naph. pag. 38. as if he *were an invader and usurper of the Crown, Prerogative and Kingdom of our Lord Jesus Christ*, pag. 15. as if *he intruded in the Priests Office, like* Saul *and* Vzziah, (*and so may fear their punishment*) *and claimed power formally ecclesiastical, to exerce acts meerly spiritual and proper to Ministers and Church-officers*, pag. 40, 41. And the man asserts, *that the Kings Prerogative hath a wicked intent and design, and it is none other then that of the devil, exalting the King into illimited Soveraignty and pretended Omnipotency; that*

he may be declared in all, and over all; and that the native issues of Prerogative and Prelacy, are the very restoring and re-establishing of the Kingdom of Antichrist, pag. 86. *That the Parliament exalted the Kings Prerogative directly contrary to the Word of God and Laws of the Land*, pag. 89. *That their Acts that way were the complement of all wickedness, above all that ever the Papacy it self aspired to*, pag. 90. *That the Kings Supremacy is a presumptuous and absurd usurpation*, pag. 91, 92. *That the King is utterly excluded from medling with the external decency and order of the Church that comes under general rules, and are undetermined in the particular*, pag. 91. *That the Parliament set the King upon the Throne of our Lord Jesus Christ, with a high derogation to him, and reflection on him*, &c. This and much more stuff hath he to this purpose; and the *Apology*, pag. 169. *&c.* undertaketh to dispute down the Kings Supremacy in Church-affairs, but both pitifully mis-stating and mistaking the question, and arguing most weakly, or falsly and fraudulently. And because there is nothing material in this point said by *Naphtali*, but what is more largely in the *Apology*; therefore we follow the *Apol.* closely, albeit in so doing, we are forced from the compendious way intended.

It well becomes all that are seeking their life in Christ, to be very zealous for his honour; *the government of his Church is upon his shoulders, he hath the keyes of the house of* David: and as he will not give his glory of that absolute, supreme Government to another; So, neither should we attempt to alienate that glory from him, nor attribute the same unto any creature. Whoever will take Christs glory to themselves, make him their party, and he is *a dreadful one.* Yet, we must not be so simple as to believe every high pretender for the glory of Christ; for, sometimes men who are seeking themselves, talk very highly of Christs interests. If they themselves can be stated in the power which they claim to be Christs Prerogative, then all is well; but if any other lay claim to it, then they clamour infinitely. Herein is holy wisdom to order matters so, that Christ have no less then his due, and men no more then what is due to them by the will of God and of Christ. Against this equal course, men have shoared and shipwracked upon extremities; some giving too much to men, and too little to Christ; and some, under pretence of giving all to Christ, sharing out too much power to themselves, depriving others of the just priviledge which Christ allows them.

2. That

2. That the absolutely supreme power of governing the Church is Christs Prerogative, no Christian doubteth; He is the King, the Lawgiver, the Head of the Church, in whom all Authority is, and from whom it is derived, and to whom all powers upon earth must humbly stoup, serving him, not as they will, but as he willeth. He is so Head of the Church, that no earthly creature can, without usurpation and terrible treason against him, claim to be Head as he; He is Head of the whole Church in Heaven and in Earth; He hath such neer, native, amiable, intimate conjunction with his Church (at least with the invisible Church of believers) that they may be called his body: He giveth influence of internal sense and motion by his Spirit, shed abroad and working in the whole body; power and direction for the outward regiment of the whole body is derived from him; He is above all the Church in perfection and dignity, even above all the Church in Heaven and Earth. And much more may be said of his Headship, wherein he can have no competitor amongst the creatures. All this Headship and absolute Supremacy over the Church, is by our Christian King dutifully recognosced to be Christs Prerogative and his only.

The Pope indeed incroacheth terribly upon the Prerogative of Jesus Christ, claiming a power over all Christians on earth and all the world over; yea, a power in heaven to canonize Saints, and set them up as objects of religious worship; and a power in a part of hell (*Purgatory*) to bind or loose as he will: a power thus far extended he claims. The Pope challengeth a Monarchick power over all the Church on earth; So that all Church-authority is first resident in him as *Princeps & Monarcha Ecclesiæ*; and is derived from him unto others, as *Bellar. de pontif. lib. 4. cap. 24.* tells us, *Monarcha Ecclesiæ est, in quo est omnis ecclesiastica potestas, & à quo omnis derivatur*; all Church-power both of order, of interior jurisdiction and of exterior jurisdiction, is (according to pleaders for him) derived from him. The Pope usurps power to make Laws directly binding the conscience, though he cannot give inward influence, he labours to use internal jurisdiction. The Pope takes upon him an infallible authentick power of defining controversies of faith, and interpreting Scriptures; So that he must not be controlled. The Pope and his followers teach, that if he should determine *vice* to be *vertue*, and *vertue* to be *vice*, the whole Church ought to believe the matter is so, (thus *Bellarmine* expresly; and albeit he would in his recognitions mollifie the speech, he mends it little) The Pope saith, if he should draw thousands of souls to hell with him, no man should say to him, *Domine, cur ita facis?* The Pope takes

takes upon him to dispense against the Laws of God, and to do against Christs institution, which he puts off with a *non obstat*, (as is said, Council of *Constance*, *non obstante Christi institutione*, &c.) that his will may carry. The Pope appoints new objects of Worship, new Worship, new Ministeries by the plenitude of his alledged power; and in doing all these things, cannot produce his patent from Christ. That headship he claims is highly injurious to Christ, both because warrand is wanting for this claimed power, and the power arrogated is incompetent to a creature.

3. But that which we attribute to the Kings Majesty, is neither the power that is proper to Christ only, nor that which the Pope (who is Antichrist) doth arrogate to himself in a manifest derogation to Christs Prerogative; but that only which belongs to all Christian Kings and Soveraign Powers, to whom God hath committed the potestative and jurisdictional care of his Church in their Dominions, under himself and under his Son Jesus Christ. As for the Title of *Head of the Church* to be given to a Supreme Magistrate within his own Dominions, we regard it not so far as it may give scandal to any weak ones who do mistake the meaning of it; although, if it be not sinistruously understood, there is no offence in it to call the King *Head of the Church*, not as a mystical society, but as political, and joyned with the civil body under Christ in his own Dominions; nor imports it any encroachment upon Christ Jesus his Headship over all, no more then when *Saul* was called *head of all the tribes of* Israel, wherein were not only the Priestly Tribe of *Levi*, but all the people of God, the Common-wealth and Church being one materially, 1 *Sam.* 15. 17. Neither doth it encroach upon Gods Soveraign Headship over all the Kingdoms of the world, that he hath appointed some to be (and to be be so called) heads of Nations, Countries and Kingdoms under him, 1 *Chr.* 29. 11. *Thine is the kingdom, O Lord, and thou art exalted as head above all.* Yet, *Psal.* 18. 43. *David* saith, *Thou hast made me to be head of the Heathen.* And, *Ps.* 110. 6. there is mention made of the *heads over many countries*: and, *Is.* 7. 8, 9. God communicates the name of *head* to Princes, *The head of Samariah is Remaliahs son, and the head of Damascus is Rezin.* If it be no disparagement to Almighty God (who is exalted as Head above all) that Soveraign Magistrates be called *heads* in their several precincts of Government; yea, even amongst a people that were Gods Church, we would gladly know, why it should be a disparagement to Jesus Christ, who is the head of the company of people, that is his Church, over all

the

the world, that Christian Kings and Princes under him be called Heads of that Society, which is materially the Church, *i. e.* Governors and Rulers of all Christians within their Dominions; unless men will affirm, that (which we hope they will not stand to) the King governs men only as they are men, and not as they are Christians? Why should we grudge the allowing unto Christian Kings and Soveraign Magistrates, the title of *Head of the Churches* within the precinct of their several Dominions, (by which nothing else is meant, but that they are chief *Supervisors*, that all things in their Dominions, be done according to Christs mind) more then we should refuse them the titles of *gods on earth*, which the mouth of God hath given them? *Ps.* 82.

It is true, the title of head is given to them, (in comparison of Christ) *very homonymously and catachrestically*, yet can it hardly be denyed, that there is in them some head-ship under Christ in their several Territories; seing some Government they have in reference to the Church of Christ, lodged in their Dominions; for, the King is *Supreme*, 1 *Pet.* 2. 13. without limitation to civil matters, and and with extension to all matters for the good of Gods people, *Rom.* 13. 4. *He is the Minister of God, for thy good*, (*good* civil, ecclesiastical, spiritual, and eternal) Now, how can there be Government without head-ship? *i. e.* a priority in order and superiority in power, (to say nothing of eminency in gifts, on which accounts, there are even in the Church metaphorical heads, 1. *Cor.* 12. 20.) If that might be taken soundly, which was soundly meant; why may not the King, whom God calls without restriction, ὁ ὑπερέχων the Supreme, 1. *Pet.* 2. 13. be called the head or chief member in the Society, which is materially the Church of God? or why may not the Supreme Minister of God, for the Churches good, as it is a Church, be called under God and Christ, Headsman of the Society or Church? Do not Ministers set over the people in the Lord, as to the ministration of his holy things, claim to be Rulers in a Church relation? *Heb.* 13. 7. 1 *Thess.* 5. 12. and were it a greater crime, to call them Heads men in their several charges, then it is to call them guides, ἡγεμόνες, Captains, Leaders, Governors, or any such stile, importing Authority? Do not the orthodox Divines call the Supreme Christian Magistrate *præcipuum Membrum Ecclesiæ*, and how far is that from the Head? When there is such palpable homonymies in the word *Head*, their shyness is to be marvelled at, who in no sense will yield it to men, who are set in Authority toward the Church: The word *Head* is of so lax a sense, that the great *Gregory*, who was as zealous as any man

against,

againſt the title of univerſal Head of the whole Church; yet in that ſame epiſtle, where he is ſo zealous, lib. 4. epiſt. cap. 38. He calls Biſhops or Miniſters, *capita ſingularium Plebium*, and in Regiſt. lib. 4 cap. 4. he calls *Paul*, *caput gentium*: and the great Council of *Chalcedon*, ſayes to *Leo*, preſiding in an aſſembly, *quibus tu tanquam caput præſidebas*. And it is ſtrange, that every Miniſter will take on him to be called *the Biſhop of Souls* in his own charge, (which is Chriſts ſtile, in relation to all the Church, 1 *Pet.* 2. 25.) and yet will grudge the ſtile of being Head, (to any particular Church) unto any perſon upon this account, that it is Chriſts property. Indeed, it is his poperty incommunicable (in ſome ſenſe) as well as to be Biſhop of Souls; but as he calls men to employments under him, he is pleaſed to impart this name to them in ſome ſenſe, as he doth others of his names. But if any take offence at the name of *Head* of a particular Society of Chriſtians, which is a Church; as we cannot help it, ſo we ſhall not willingly give them the offence; but tell them, that no more is meant by it but *Governor*.

4. Some of our eminent Divines, have indeed ſtumbled at the King of *England's* taking to himſelf the name of Head of the Chriſtians, (or Society of Chriſtians, which is the Church of *England*) Mr. *Calvin* by name, in his Commentary upon the ſeventh of *Amos*, inveighs much againſt the title, and againſt theſe who condeſcended at firſt to give it to the King: And verily, he had no leſſe then reaſon to be angry at it, in the ſenſe which the prime givers of that title to the King in the convocation had; For, *Stephen Gardiner* Biſhop of *Wincheſter*, (being a Papiſt in all other things, and at laſt wholly revolting to the Popes obedience) was a main leader in that buſineſs, in giving the ſtile of the Head of the Church of *England*, to *Henry* 8. and he at the Conference of *Ratisbone*, profeſſed that the King by vertue of this Headſhip, *might interdict Miniſters marriage, and the peoples uſe of the cup at the Communion, and many other things*: that Headſhip ſo expon'd, was juſtly deteſted, but the orthodox Engliſh Divines though they did for a time retain the name of Head of the Church of *England*, attributing the ſame to the King in a ſound ſenſe; yet they were far from giving to the King all that the Pope under that name uſurped. Dr. *Reynolds* (ſuppoſed by ſome to have been almoſt a Presbyterian) as he did himſelf take the Oath of Supremacy (which the Presbyterians of *England* never refuſed, as may be ſeen in the *Lincolnſhire* abridgement) ſo he maintains the ſame againſt the Jeſuite *Hart*, in the conference with him, avowing, *that neither* Calvin, *nor any of our ſound Divines, do reprehend*

hend that which the orthodox English gave to their King under that title, nor do We (saith he) *grant that to our Princes which they reprove: That Supremacy* (saith he) *which we have pulled from the Pope, We give it to no mortal man, neither Prince nor other. But the Pope having partly invaded the rights of Christ, partly the rights of Princes, partly the rights of Presbyters and Bishops, partly the rights of the people and Churches, like the Jackdaw in* Esops Apologue *that had vested her self with the party-colour'd feathers of many fowls, we have taken again the feather which that Roman Monedula did steal from our Prince, and restored to the Kings Majestie, that which was but his own before, and whereof he was robbed by the Pope.* Judicious *Martyr* did see this, loc. com. clas. 4. c. 3. In which place disputing against the Popes Head-ship, he brings in the Papists dreaming distinction of *civilis potestas ecclesiastica*, and *civilis postestas profana*: the former of which, (he saith) they attribute to the Pope, in regard of Church-officers under him, all which he will have exempted from the *civilis potestas profana* of the Magistrate, and only subject to himself as their Head; but (saith that learned Divine) *quod ad ecclesiasticam potestatem attinet, satis est civilis Magistratus: because,* (saith he) *it belongs to his care, to put Ministers to their duty, as well as other subjects.* And saith he, *subjiciuntur Magistratui, & quod ad mores, & quod ad functionem attinet: Nam si aut perditè vivant, aut officium non faciant, possunt corripi a Magistratu & summoveri*; he calls this Power of the civil Magistrate, about matters of Religion *potestas Ecclesiastica*, and to this (saith he) *satis est civilis Magistratus.* Then having brought the examples of godly Kings under the Old Testament and New Testament times, their caring for Religion, he saith of the Papists, *nihil opus erat ut isti novum sibi caput excitarent in Ecclesia*, &c. And a little after, addeth, *atque hoc fortasse est, quod Rex* Angliæ *voluit*, &c. This perhaps is the thing the King of *England* would be at, by calling himself Head of his own Church next to Christ; for he thought that the power which the Pope had usurped was his, and belonged to him in his own Kingdom: he adds indeed, it was *insolens titulus, an unusual stile, and which displeased many pious men*; but interposing his own judgement, he subjoynes immediately, *sed si rem ipsam consideremus, nihil aliud sibi voluit quam quod jam diximus*; he thinks the King of *England* minded to attribute no more to himself, under that unusual title, then that the princely *potestative* care over Church-men and Church matters, whereof the Pope had robbed him, and which all godly Kings had

amongst the Jews and Christians, and which, by Gods warrand belonged to him, might be restored to him: So that the *Apologist* is far mistaken, *pag.* 171. bringing in *Peter Martyr* on that place, as *disallowing that power which the King of* England *recovered out of the hands of the Pope*; seing he defends it as the just right of all Kings, and doth so excuse the unusual title, that though exception was taken against it, yet he thinks it may have a good sense, and that it means no more, but that persons and things Ecclesiastical, should have no exemption from his governing power and care over them, (all which governing power the Pope had usurped) more then persons and matters civil.

5. The Oath of Supremacy, was devised to chase away the Pope, and to pull down his usurped power in these Dominions: But behold the subtilty of the paracelsian Presbyterian the *Apologist. pag.* 185. who can extract popery out of the very Oath that strikes at the root of popery; he is bold to averre, that *whoever taketh the Oath of Supremacy, licks up again the abjured popery*; verily, if he can make out this, *erit mihi magnus Apollo*: But, how weakly goeth he about this work? He is strong at asserting, that the Popedome is not now changed, but only the Pope, and that by this Oath, a Civil Pope is set up in place of an Ecclesiastical: And so elsewhere, he terms the King a *State-antichrist*, and will have his invasion of Christs rights, more absurd and intolerable then the Popes. But how weak is he in making good his undertaking? (we may say to him, *aut adde viribus, aut deme animis*) O saith he! *when we abjured popery or such a piece of it, it was not only abjured, as it was seated in the Pope, but simply in it self; and our reformed Divines, writing against the Popes Supremacy and Head-ship, do not write against it, as a power usurped, to the prejudice of some one or other Prince; but as an insolent usurpation of that which belongs to the King of kings, and Lord of lords*, &c. *And if the King arrogate what the Pope had, his usurpation of Christs rights, is as evil or worse; and to acknowledge him to have that power, it to relapse unto popery.*

Ans. 1. Will this man say, that all the power that the Pope did arrogate to himself, is (if it be transferred to others then Christ) still usurped, and popish and derogatory to Christs priviledge and honour? If he have any sense he dare not say it: For, I would ask, is there not in the Church of *Scotland*, a supreme governing power over that Church, at least Ministerially supreme in governing? Surely, he will say, there ought to be such a power under Christ, otherwise the

Church

Church must run into confusion. Now, where will he seat this power, as in the subject of it? Certainly in National Assemblies and their Commission, whose Authority must stand from time to time, though the persons be changeable. Now, let him tell us, seing the Pope did arrogate (of old) the supreme Authority over this Church and all Christians therein (and he called it also Ministerial under Christ) whether it be Popery, in any representative Assembly or Commission, to take on them, for any time, the supreme Ministerial governing of the Church under Christ immediately? Possibly the Independent will say so, and that the Popedom is but changed, and not the Pope; the Dominator, but not the Domination; and that in stead of a single Pope, there is a complex Pope of this and that transcendent Assembly set over the Church. But, will this man that pretends to be a Presbyterian avow, that because it was Popery for the Pope to usurp a governing power under Christ, as he said, over this Church of *Scotland*, (as he did over many moe with it) therefore it is Popery in any men, or company of men, to have this supreme governing power under Christ? It is not essential to papal usurpation to be subjected in one single person. When the Council of *Constance* had outed three schismatical Popes, did they not think that the papal Power resided in themselves, as representing the Catholick Church? Let him take heed that he bring not all our General Assemblies and Commissions under the imputation of Popery, because they had that same governing supreme Power which the Pope claimed: and let him and his party, who falsly charge us with owning a *Cæsareo-papatus*, see how they will clear themselves of owning a *Synodo-papatus*. If a single Pope was evil, how should a complex Pope be better?

2. It is untrue that he saith, that our Divines do only write against the Popes Supremacy, as a high and insolent usurpation immediately against Christ; For, the contrary we heard before from Reverend Doctor *Reynolds*: His great usurpations were immediately injurious to Christ; but in some things he was only injurious to him, in that he deprived Princes, Pastors and People of these priviledges which Christ allowed to them by his Word: And as others resumed their own priviledges, So did the Prince resume his priviledges from the Pope, who was *repetundarum reus*, and had busked himself up with the feathers of many Birds, every one of which recovered their own, and left him bare and naked. The King recovering his own right of Supremacy, in the potestative oversight of the Church of God in his Dominions, hath owned no Popery, but his own right allowed him of

God. Nor is the controverſie about Supremacy in Church-affairs betwixt *Chriſt* and *the King*, who hath devoutly yielded himſelf Chriſts Homager and Servant to follow his orders punctually; but between *the King* and *his own Subjects*, *Miniſters and others*, which of them, under Chriſt, ſhould have the governing Supremacy anent Church-affairs. The Pope before robbed him of his Royal right of ſupreme Superintendency over the Church in his own Dominions; and now when he has recovered it from the Pope, high-ſp'rited Church-men and their aſſiſtants cry out, it is Popery in him to keep it: but once put that ſame power in their hands, then forſooth it ſhall be no Popery at all. They would inveſt themſelves of the power whereof they ſtrive to deveſt him; and yet he can ſhew a better parent for it then they: for, the Scripture calls *him* not *them* under God, Supreme without limitation of perſons or cauſes.

3. As to what is added out of *Zepperus*, *lib.* 3. we aſſent there may be an exorbitancy in the uſe of power by Princes, and a great ſin in them is it to neglect any good counſel, eſpecially of the beſt skilled in managing ſuch a truſt, but it ſaith nothing againſt their power. Yet, it is ſtrange to ſee the inconſiderate man citing the Belgick Remonſtrants for him (as if they were ſo great friends to the Scots Remonſtrants) he alledgeth, that they call this, (that is, *the Kings Supremacy*, for of this all alongs hath he been ſpeaking in that Section) *the very heart and marrow of Popery, which being granted, all his other uſurpations neceſſarily follow*: the words are cited from 25. *ch. of their Apology*. And here the *Apolog.* makes himſelf very ridiculous, ſaying, *that the Arminians there do call the civil Magiſtrates Supremacy in Church-affairs, the very heart and marrow of Popery*. For the Arminians there are all alongs diſputing for the civil Magiſtrates Supremacy in cauſes Eccleſiaſtical (and further then we can go with them) and are diſputing againſt the attributing of Church-authority to Miniſters, *p.* 293. excluding the Magiſtrate, (which opinion they labour to fix upon the *Leyden-cenſurers* of their Confeſſion) and ſpeaking of Miniſters or Synods arrogating this Authority (excluding the Magiſtrate, as they conceive the *Leyden-cenſurers* do) they add, *Digna eſt hac ſententia quæ à Regibus, Principibus*, &c. They ſay, that the ſentence and opinion of the Cenſurers touching the Miniſters Authority (ſecluding the Magiſtrate) is worthy to be pondered by all Kings, Princes and States; *Eſt enim ipſiſſimum Papatus corculum ac medulla quæ ſalva Authoritas Regum, principum, ordinum, nil niſi inanis umbra & titulus ſine re eſt*. And again they add, that this opinion of the Cenſurers

surers giving so much Authority to their Synods excluding the Magistrate, *Continet illud ipsum, in quo sita est forma Papatus seu Papalis Hierarchias*, &c. *eo autem concesso cætera omnia quæ Papa jam usurpat tam necessario fluunt quam calor ex igne*, &c. So that they clearly speak of the usurpation of supreme Church-power by Ministers (all along) and this they call *corculum & medulla Papatus*; but they do plainly dispute, that it is the Magistrates right, and it is no Papacy in him to use it, albeit it be so in Ministers or their Meetings to usurp it. What ignorance therefore or impudence is it, to alledge the Arminians as reproaching the Magistrates Supremacy, which they argue for? Let us then leave to the King his own right, *viz.* that *summum moderamen in rebus Religionis*, and that soveraign architectonick Power in these matters subordinate to the Authority of Jesus Christ within his own Dominions. It is neither Papacy nor savours of it, but the just Princely right of all Kings; God give all grace to use it rightly. And a huge distance there is between the Supremacy the Pope claims, and this: for, his Supremacy which he claims is both *extensively* and *intensively*, a great deal more then will be claimed by any Christian Magistrates, who although they challenge their own rights in supervision of the Churches within their own Dominions; yet, have nothing to do with the Popes claim of being Head over all the Church, nor with his pretensions of these powers which he arrogats, incompetent to any creature and proper only to Jesus Christ.

6. It is a very great mistake to think (as the *Apologist* doth, *pag.* 186.) that granting the Kings Supremacy imports, that *in all Ministerial acts, Ministers must act as his Servants and Commissioners; or that he might (if he pleased) in his own person, act these things himself which Ministers do in the Church.* His Supremacy in Church-affairs hath no such consequences flowing from it, except in the *Apologists* weak fancy. There are many things to which the Kings just Supremacy reacheth, for regulating or rectifying abuses in the same, for which he cannot give Commission to do them; nor are the actors servants to him therein; nor can he act these things in his own person. The King gives not a Commission to the Physician to cure sick persons, (albeit he may, according to the necessity of the diseased in such or in such a Town, the Physician having skill of such diseases, commissionate him *hic & nunc* to shew and exert his skill) but the University where he was graduate gives him Warrand, Authority and Commission to cure sick persons who will come under his cure:

and

and if he, against the rules of Art, kill men wilfully, the King with advice of a Colledge of Physicians, may take order with him as a murtherer; yet, he is not properly serving the King in that calling, (albeit remotely he serves the King in preserving his Subjects) nor can the King therefore take on him the office and part of the Physician. Again, the King by vertue of his Supremacy, may regulate persons entring in marriage, that they shall not marry within such and such degrees prohibited by divine Law, that they shall not marry clancularly, and without notice given to any that will object; and when they are married, he may by vertue of his power under penalties urge them to cohabite, he may restrain the violence of one of the married parties to the other, and punish it if offered; he may punish willful desertion and disloyalty, *&c.* And yet, all that power infers not, that persons entring in marriage act in that state as commissionated by the King, or as his Servants, (though he hath supreme Power in regulating them so far as their practices are notour, and of evil example amongst his people) Nor doth it import that he may act these conjugal duties which he doth by his supreme power regulate, that deviations therein may not be examplary, scandalous and infectious to his Subjects.

7. Much more might in this kind be said: But (in a word) it is an absurdity of absurdities, and a meer fancy without ground, to imagine, that the Kings supreme regulation of all matters in his Kingdom, imports a necessity of his Commission to others to act in them, or a liberty for himself therein personally to act. Many things are there which the King may regulate by his Royal Supremacy; and yet cannot act in them particularly. 1. There are some things he hath no right by divine Law to act in them, yet the regulation of them, in order to publick Peace and prevention of scandalous confusions belongs to him: as for example, Conjugal duties of his Subjects, and also ecclesiastical duties of Preaching, ministring Sacraments, *&c.* These matters he may regulate, but cannot act *actibus elicitis*, because it is contrary to divine Law he should so do. 2. Some things again the supreme Magistrate is not qualified for the acting of them, as to do the part of the Physician or the Advocate: it were sin in him to take upon him to do things God hath not given him gifts to enable for the doing of them; and yet he hath a regulation of men in these callings (with advice of the skilled) to repress them from injuring his Subjects in person or goods. 3. Some things are so low and base, that albeit the King hath a supreme Power to order these who are employed in them to do them for the behoof and benefit of the Common-wealth; yet it were a debasing

debasing of the Majesty of his station, to be actually employed in them, as being dishonourable; So that it may very easily appear, that the *Apologist* is very absurd in thinking, that the Kings Supreme power of regulating all affairs in his Kingdom, imports either a necessity of all who acts under him, their being commissionat by him as his servants, or a liberty for himself to do their several actions, or that Church-men in acting according to the rules of Christ, act as the Kings Commissioners or Servants properly (though it be no shame nor sin either to serve the King so far as he serves Christ) or that he in his own person may do all things which they do: A thing that never any of our Kings arrogated by their Supremacy, and we are confident will not arrogate; yet in passing away from this article, we may move three or four questions to the *Apologist*. 1. Whether, albeit a Minister have his Commission from Christ *quoad substantiam operis, as to the substance of his work*, he may not have Commission from the Magistrate also as his work is so or so circumstantiated, and as he is to exercise his Calling, *hic & nunc*, may not the Magistrat in any case assign a called Minister a certain station to exercise his gift in it? 2. Whether doth he think, that all Ministers are so immediately called by Christ to exercise all acts of their function, that their power may no way flow from men under Christ; surely the Commissioners of the General Assembly, as to the extension of their power, owned their power as flowing from the General Assembly, and did act in their name and authority under Christ. And shew us the great absurdity of Ministers acting, at least, *hic & nunc*, in name and authority of Christs vicegerent (or gods if ye will) so far as the vicegerent is subordinate to the principal? 3. Will he avow, that Ministers *quoad functionem*, are not subject to the Magistrate, as well as *quoad mores*, as we heard *Peter Martyr* free to assert it? 4. Will he stand to this which he asserts, *that Christ hath so tyed together the keys of Doctrine and Discipline, that they cannot be separated in persons*? what then shall become of the ruling Elder, who hath only the key of Discipline, (as they say) and not the key of Doctrine; who can censure and not teach? and can ordain a Minister, not being a Minister, nor hath a faculty to examine and to judge of his qualifications?

8. But we go on following the restless *Apologist*, *pag.* 187, 188. he alledgeth, that by granting the King a Supremacy in or about Ecclesiastical affairs, *he gets power to bring in all the trash of* Rome, *and to alter the whole train of Religion, as* Jeroboam *did, and to bring in*

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any thing that he will. Certainly the man is very much mistaken anent our sense of the Kings Supremacy; for we do not give him thereby power to do what he will, in the matters of Religion and of Christ; but do say, that he ought to be subject to Jesus Christ, and to his Law and Orders, which he hath set down in the Gospel, from which if he vary in Religion, or the essentials of Worship or Government, we are as ready to testifie, to the laying down of our lives, as they are who seem most zealous: If there be any things in the circumstantials of Worship and Government, belonging to Christian liberty, and undetermined in the Word of God, we do therein attribute very much to the Christian Magistrate, who is to use his power, for the edification of Gods Church, with consent of sound Divines or Meetings of them (which if he neglect as a necessary mean of his information, he sinneth highly) but by this acknowledged Supremacy, to give the King power to do what he will in matters of Religion, or to bring in the whole body of Popery, or what he will (as this man saith) it came never in our minds, and we abhor the thoughts thereof; no Supremacy do we acknowledge in the King, but that which is ministerially subordinate to Jesus Christ, not so much as to bring in to the Church one ceremony, that may not be allowed by the general rules of the Word of God, concerning *order*, *decency*, *edification*, &c. And it is far from the truth that he asserts, *that the granting Supremacy to the King anent Church-affairs, brings it within the compasse of his Power, Authority and Calling, to bring in all the trash of* Rome, *alter Religion*, &c. *and to set him up as a State-antichrist, and to grant him such power as if put in act, would ruine Religion and the Church of Christ, and that this power of its own nature tendeth thereto*, pag. 188. For, by granting him this Supremacy, we bring nothing within the compasse of his authority, which is against Christs mind; neither is the putting his power and authority (which we ascribe to him) in act, a thing in its own nature, tending to the ruining of Religion, but it is the perversion of the use of the power and authority, that only can be prejudicial to Religion, the power it self may be put in use, (and ought to be) for the greatest advantage of Religion. 2. It is necessary, that in every Church there be under Christ, some in whom that Supreme Governing-power (as to the matters of Religion) is placed; such a Supreme Governing-power this man will acknowledge to be in the Supreme Judicatories of the Church (and if he call it Ministerial, so will the Magistrate call his, he being the Minister of God for our good) Now, may not a Synod or meeting of Ministers

sters and others having this power, abuse it as well as the Magistrate may? May not an erring Assembly or Meeting bring in evil things into the Church, whether superstitious Ceremonies, or Anabaptisme, or Doctrines of Sedition, *&c.* or some thing confining upon these? An Assembly hath no promise of infallibility more then the Magistrate hath; and although it may be said, they are not so likely to abuse their power, to the prejudice of Religion, as the Magistrate; yet, he using the means, which he cannot without sin neglect, may sometimes stand righter then an Assembly. As we may see in *Jeremiahs* case, *Jer.* 26. the meeting of the Magistrates is sounder then that of the Priests and Prophets, and resists their course against the true Prophet of God. And in the primitive times, had not some Christian Emperors used their power against erring Synods and Pastors; what prejudice and hurt should have come to Religion and the Church of Christ? It is too true, that the Supremacy of Church-power, subjected either in an united multitude or in one person, may be abused: But, what warrand is there to take away or deny a just power for the accidental abuse of it? 3. That he may appear subtile, *pag.* 189. he makes a distinction *betwixt the Magistrates supreme Magistratical-power, and his Supremacy in Church-matters; by vertue of his Magistratical-power, he appointeth and determineth what Religion shall be professed within his Dominions: but*, saith he, *his Supremacy in Church-matters is a far other thing, for it giveth intrinsick and architectonick power in Church-matters, and this agreeth only to the Lord Jesus, Who is the alone Head of the Church.*

Ans. The Magistrates Supremacy in, or over Church-matters, is nothing else but his Magistratical-power exerted toward that object in a way competent to him. As a Magistrate, it is incumbent to him to take care that Religion be planted in his Dominions where it is not, to purge it from corruptions that have creeped in, to preserve it, to propagate it (*suis modis & mediis*) in all wayes competent to him to do; and the exercise of his Supremacy in Church-affairs is in such actions becoming him.

O, but (saith he) *the Supremacy claimed is not the Magistratical-power, but an intrinsick architectonick power in Church-matters, which only agrees to Christ the alone Head of the Church.*

Ans. 1. If by intrinsick power in Church-matters be meant, a power of giving inward influence of grace in the use of Church-ordinances, that is indeed Christs Prerogative; neither the King nor any creature can claim such an intrinsick power of governing the Church. If by

intrinsick power he mean that which Divines call *Potestas jurisdictionis in foro interiori*, that wholly belongs to Ministers, and the Magistrate upon no account offers to meddle with it, more then he doth with the preaching of the Gospel, or ministration of Sacraments. If by intrinsick power in Church-matters, he means a power of personal acting in these things, which Divines call *interiora Templi*, or doing these official acts that are competent by Christs Word only to Pastors; the King hath no power at all (let be supreme-power) in acting in these sacred Administrations, as Preaching, ministring Sacraments, *&c.* although he may in his Dominions have a chief hand in calling Pastors, and may direct them to do their duties according to the Word, and correct and censure them (in his way) when they are either negligent, erroneous, or of an evil conversation. But, we do not at all give to the King power to do the proper *elicite acts of Pastors*; nor hath the Oath of Supremacy any such sense; to all such acts his power is meerly *objectively Ecclesiastical*, and *potestas non spiritualis, sed circa spiritualia*. As for architectonick power, it is certain his power is not absolutely architectonick as Christs is, but subordinately and limited by the Will and Laws of Christ: such architectonick power reformed Divines do not grudge to give the supreme Magistrate, as *Pareus*, *Rom.* 13. and others. Such a subordinate architectonick power, as to Church-affairs, must be in some in every Church, that contests be not endless. And however Synods may mince the matter, and say their power is but Ministerial; yet sure (as they speak of the matter) it is a supreme governing power under Christ, and Magistrates will also say, that in respect of him their power is Ministerial. And gladly would we know, why a subordinate architectonick power in the Christian Magistrate is an usurpation against Christ, (the supreme Magistrate being the supreme Minister of God for our good) more then the same power in a General Assembly is an usurpation against Christ.

9. This supreme *potestative care and supervision* over the things of Religion, we assert to be the right of all Soveraign powers, although none can use this power rightly, but such as have light and grace from Christ: even an infidel Magistrate hath this right *in actu primo*, and *jus ad rem*; he hath a right of chief governing, although he hath not *jus in re*, nor *in actu secundo*, till he have grace to use it. Neither is there any weight at all in the exceptions of the *Apologist*, p. 189, 190. that thereupon it should follow, *that all Magistrates every where should be Church-members*, (*and none to be Magistrates but Church-members*) or that they should all be *Church-officers as Ministers are*,

are, and derive a Church-power and Commission to others as their servants. We own none of these inconsequences; But asserts, 1. that an infidel Magistrate hath as much Magistratical power to be Supreme, in ordering matters of Religion in his Dominions, as a Christian Magistrate hath, only the Christian hath grace to use his power aright, which the other wants; but it is *common to all Soveraign Magistrates to be, as to all causes supreme, and to be Ministers of God for our good without restriction*, 1 Pet. 2. 13. Rom. 13. 4. *Tiberius Cæsar* or *Nero* had as good right to govern Christians under them in the matters of Religion, as any Christian King or Emperor since have had; but they had not grace from Christ for the actual exercise of their just power. And as to that objection, that no man can have Church-power or Jurisdiction, but he who is a Church-member (such as infidel Magistrates are not) the learned *Rivet, in decalog. pag.* 209. saith well as to that point, in these words, *Non inscite distinguunt, &c.* And in that whole Paragraph, he allows the distinction of the Members of the Church in, 1. *Membra per verissimam unionem*, by most true union; in which manner all believers are members of the Church, and they only. 2. *Membra per externam agglutinationem*, by outward agglutination, such as hypocrites are. And, 3. *Members by special vocation, place, power and authority.* And so (saith he) infidel Kings (under whose Dominion the Church is) are and may be called Members, and eminent Members of the Church of God. As (he saith) *Saul* was the Head of Gods people, although he was an impious man: and *August.* saith of him, *contra literas* Petiliani, *cap.* 48. *Non habebat innocentiam, & tamen habebat sanctitatem, non vitæ suæ sed unctionis*; i. e. *vocationis & muneris.* How well the *Apologist* and his party will like these considerations of Reverend *Rivet*, I know not, nor cares much; but would rather say, that though an infidel Magistrate be not actually and formally a Church-member in all the relations to complete him therein; yet, he hath a power in Church-matters: and when God gives him grace to be a Church-member actually, compleatly and in all Christian respects, he is at liberty to use that power fully for Gods glory: So that an infidel Magistrate may have the supreme power over Christians in Christian matters, *in actu primo*, and by reason of his calling, albeit for the time he want grace to use it as he might, being a Member of the Church by profession or real union to it. It is essential to the Office of the Magistrate, to have a potestative care and inspection of Religion and the matters of God; yea, Pagans had it and exercised it, albeit they erred

in the object, and took that for Religion which was not. And though the Magistrate be not an actual Member of the Church of Christ by avowed profession; yet, his Calling leads him so far to act as a Member, to promove the interests of the Kingdom of Christ; by his special vocation he is thus far ingaged as a Member, and to act as such. It is a very great mistake to think it is consequent upon our Doctrine, that the Magistrate should not be *owned as a Magistrate, if he be no Church-member by profession or real union.* We must own an infidel Magistrate, as having a *jus* and power in Christian Church-affairs, by reason of his calling, albeit as yet he embraceth not the profession of Christian Religion, and is not a Church-member. Yet, he is a Nurse-father of Christs Church *de jure*, and the supreme Minister of God for our good (*of all sorts and kinds*) and in so far the Church should claim a fibness and neerness to him as a chief Member; let God in his own time make him a professed and real Member.

2. As to the Magistrates being *a Church-officer* as he is *a Magistrate or a chief Church-officer, commissionating all others Officers of the Church*: We say, 1. that he is indeed a Church-officer (at least objectively, his official power being imployed about Church-affairs, and if formally some of his acts do extend to any matters of Religion, may be after considered) albeit the ordinary forms of speech have appropriated such a stile only to these, who do *actibus elicitis* serve Christ in Church-administrations, and in the Τα εκτω της Εκκλησιας, or *interiora Templi*, as *Constantine* spake, and grave Divines expone him; but we cannot deny him to be in some sense a Church-officer and Ruler of the Church, whom Christ hath made the *Nurse-father of the Church* and his *Minister*, supreme Minister for our spiritual good, as well as external: By his Magistratical office he is bound to be an official Nurse-father of the Church, to procure the feeding of her with sincere milk, and nourishing and building her up. Every supreme Magistrate (even the Heathen Magistrate) is *actu primo*, or *de jure* a Ruler and Governor of the Church under him; it is their Office to govern all the people under them, according to Gods mind, and if the people be a Church of Christians, it is their Office under Christ to govern them as a Church. It should not seem more strange, that Magistrates should be called Rulers and Officers of the Church, then that they should be called the Nurse-fathers thereof, and Ministers of God for her good: it is hoped both these expressions will be taken as importing Official-power. Mr. *R.* in his Book intituled, *Due right of Presbyteries*, *pag.* 446. acknowledgeth, that *Ephes.* 4. 11. and in such like

like places where Church-officers under Christs mediatory Kingdom are spoken of, *only these are spoken of*, qui actibus elicitis, *who by formal elicit Acts of administration of Christs Spiritual Ordinances*, do procure the intended end of Christs mediatory Kingdom, *not all the Offices which procure edification any way, such as are civil Governors*, &c.

10. The Magistrate as a Magistrate, is no Church-officer, if hereby be meant a person employed in the formal administration of divine Ordinances, Preaching, ministration of Sacraments, exercise of Discipline, *actibus elicitis*; yet as the Churches Nurs-father and Minister of God for good to us (spiritual and eternal, as well as outward and temporal) he may well be called a Church-officer in exercise where he hath a Church in his Dominions, and hath a will and grace from Christ to employ himself as a servant to him, in his mediatory Kingdom, to edifie his Church and people, and to help them to eternal life in a way competent to him. Neither hath it any weight to say, *if the Magistrate as a Magistrate, be a Church officer* (in the sense we speak of) then *all Magistrates, even Heathens, have this office in or toward the Church, yea Children, Women*, (*Who may be Magistrates by succession*) *or that Magistrates cannot be Church-officers, because they are not mentioned in the Gospel as such, nor the name, qualification, ordination, or Work of such an Officer set down, or that if they be chief Church-officers, all others derive their power from them, and act as their Commissioners*: For, to all this we say, 1. It is true, neither Children nor Women, nor Pagans can be Church-officers, to act in the *interiora Templi, or in the proper administrations of the ordinances of God, as Preaching, ministring Sacraments*, &c. But if they can be Magistrates, they have a fundamental right to the Official power of Governing and edifying the Church, *as Nurse-fathers*, in wayes and means competent to them to use; and when God gives them grace, they may use that right actually. 2. That sort of reasoning which he useth so oft, [*If the Magistrate as such be a Church-officer, or chief Church-officer, then every Magistrate is such because, a qua tali ad de omni valet consequentia*] is very unsure; If it be meant of an Officer or Governor *in actu secundo* or putting forth his power to Govern, (albeit we grant that the fundamental right to be actual Governor of the Church, in his own way, agreeth to every Magistrate as a Magistrate, though the power be not brought to exercise, but by the light and grace of Christ) Pagan Magistrates have the power, but through their ignorance or corruption, are under

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suspension and restraint of the exercise of their power (as to the Church of Christ) *potestas non deest sed tantum voluntas*, as *Rivet, in Dec. pag.* 209. saith; yea, if Children may be Magistrates, they have the power *in actu primo*, albeit there is a restraint through natural defect, to be actually so employed, as there is also this restraint toward civil things. As for Women, though they be forbidden to speak in the Church, or to have a ministerial Authority in the administration of Ordinances, yet if they be Magistrates, that governing power that is competent to the Magistrate toward the Church of God by his office, is not to be denyed them: The Presbyterians in *England* willingly took the Oath of Supremacy, when Queen *Elizabeth* did Reign there. 3. There was no necessity, that Christ should appoint such Church-officers in the Gospel, or speak of their ordination, qualifications or names; he only by his positive precepts, appoints new Officers to labour in the actual administration of his Gospel-ordinances, *actibus elicitis*: He needed not to appoint Magistrates. By the Law of nature which is Gods Law, and by the written Law of the Old Testament, the Kingly office and his Official power for the Churches good, is set forth, by *David*, *Psal.* 2. 10, 11, 12. and *Es.* 49. 23. both which passages relate to the Gospel, and their official care of Religion, was of old exemplified in the godly Kings of *Judah*, as well in these of them who were no Prophets, as in others also; yea, even in the New Testament, their power as to Church-matters is hinted at, the King is set forth as *Supreme* (without restriction to persons or matters, the Minister of God to us for good, without exception) and while the intendment of his Office is pointed out, not only to be peace and honesty, but godliness, *Rom.* 13. 4. 1 *Pet.* 2. 13. 1 *Tim.* 2. 2. yea, the reformed Divines abroad have not doubted to account the civil Magistrate an Officer appointed under Christ, as he is head of the Church: *Beza, Confes. cap.* 5. *art.* 1. & 23. and *Snecanus de Magistratu, pag.* 556, 557, 668. accounts them adversaries and Anabaptists who deny this, that Magistrates are *inter officia Ecclesiæ*, asserting, that, *Rom.* 12. and 1 *Cor.* 12. where the Apostle speaks of the Church and Officers set therein, he means by Rulers and Governors, the civil Magistrates, as well as the ruling Elders. 4. It is an odious crimination, that is continually harped upon by this man, as if by acknowledging the Kings Supremacy, all Doctors and Pastors were made Vicars and Commissioners to the King, and had their power in their callings derived from him. The Belgick Remonstrants go perhaps too far this way, but we disown such a Tenet; And avows, that

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all Pastors and Teachers of the Church of Christ, being called according to the rule of his Word, have their commission and power, as to *the substance of their Ministery and essential parts of it, and the Doctrine, and Sacraments, and Discipline which they are to administer, from Christ only.* Though ordinary Ministers be not immediately called to the Office, but by the intervention of men to apply the power to their persons, and to instate them in the power; yet, the power it self flows neither from the Magistrate nor from any men, (by whose intervention they are called) nor are they dependent or commissionat as Vicars to any man or men, as to the substance of their work, which is put in their hand by Christ, whose servants only they are therein; yet, orthodox Divines have not, nor will deny, that in regard of the regulation of exercise of the Ministerial work, and of external order and circumstances in doing it, or in regard of the quality and manner of ecclesiastical Acts, or placing and timing the employments of Ministers, there is a subordination or subjection of the Minister to the Magistrate: The King cannot ordain a Minister, he is ordained and separated for the Gospel, by these to whom Christ hath in his Word appointed for that work; So, the Minister hath the substance of his Calling from Christ, and is by him commissionated to Preach; but, yet the King may give such a one called by Christ, commission to go *hic & nunc, at such a time,* to such and such a place in his Dominions and Preach; he is commissionated by Christ, as to the substance of his Calling, and by the King as to the circumstances. As good *Jehosophat* gave commission to the *Levits*, to go through his Cities to Preach; yet they had the institution of their Calling from God, as to the substance of it, but he commissionates them to apply their pains in doing that which they had calling from God to do, in application to this or that place. Neither is there any absurdity in it, to say with *Peter Martyr*, as we heard, *loc. com. cla/. 4. cap. 13.* that Ministers *quoad functionem*, are subject to the Magistrate and subordinate to him: or to say with *Rivet* in *Decalog. pag.* 209. that the Minister doth his Ministerial acts, *Magistratui subjectus, & ab eo dependens, qui Magistratus decent res Sacras eisdem subjiciuntur, & ab eorum authoritate in exercitio pendent.* Though the Minister be not commissionated by the Magistrate, as to the substance of his work, nor is as his vicar or servant *eatenus*; yet that hinders not, but he may be in subordination to the Magistrate and depend on him, for the external orderly regulation or application of his pains in the Ministery, or be subject to his censure, in case of misdemeanor in his Calling,

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and so far subject, as to be responsible for giving good milk to Christs flock, and censurable if otherwise he do. And it is to be well marked, that subordination to the Prince, as to direction, accountableness or censurableness, doth not at all import a derivation of power from him, by way of Commission to all who are thus subordinated: The power of a Husband, the power of Parents is not derived from the King by way of Commission; yet, Husbands and Parents are, in the exercise of their several powers, subordinate to the King, to be directed to do their duties according to Gods Law and his own good Laws; and may in gross male-versations in their families, upon complaint made, be corrected and coerced from outragiousness by the Kings sword. So it is also in this case, subordination of Ministers to the King, doth not at all imply derivation of power or commission from him, as to the substance of their work.

11. That the acknowledging of the Kings just Supremacy in Church-affairs *layeth a lasting foundation of confusion betwixt Church and State*, (as the *Apologist* saith, *pag.* 190.) is a main paradox: For, the contrary is certainly true, that the acknowledgement of the Kings architectonick governing power prevents confusions and distractions between Church and State. True it is, there are distinct limits and bounds of Church and State, and of Church-power and civil power; nor can they in the exercise of their proper acts be confounded or mixed together; the State and Church in their formalities are distinguished; a Corporation is not a Church *hoc ipso* that it is a State, nor upon the contrary. But, when a Church and a State are materially one body, it is no confusion that the supreme Governour of the whole body have a conjunct supervision of all the interests thereof, both in the formality of a Church and of a State, being the Minister of God to people for all their good, both as a State and as a Church.

This supreme supervision of the whole body, in these several relations and formalities, God did alwayes give under the Old Testament to the Kings amongst his people, and denyeth not the power to Kings under the New Testament. And in some he allowed a formal conjunction of the powers, even as to personal administrations of the duties of them; as in *Melchisedec*, *Eli*, *Samuel*, &c. Was this a confusion or mixture, and not rather an orderly helpful conjunction of the powers? And when he was pleased to separate the powers, as to the subjects and persons exercising the same, in some acts of administration; yet, the supreme supervision of all was consolidated in the supreme Governor without confusion; and the godly Kings of *Judah* exercised

exercised that royal Superintendency over the whole body of the people, both in Church and Civil administrations, leaving the formal and personal actings in matters of Religion, or administrations of divine Ordinances to these whom God had thereto called.

It is in vain to tell us so often; that the Civil and Church-power are *toto genere* distinct, and therefore that the Church-power cannot be subordinate at all to the Soveraign Magistrate, but must be collateral and parallel; for, to say nothing of that logical matter of *a difference betwixt these Governments toto genere* (which may very well be questioned, there being no difference between things *toto genere*, but such as are in different Categories, and have no common univocal *genus* over them: a thing that cannot be said of the governing Powers ecclesiastical and civil, both of them being in the Category of relation) It may be very well denyed, that a diversity of entities *toto genere*, or a categorical diversity (such as is not here acknowledged) hinders a moral subordination, in point of ordering and regulation. A man and a mans will, and his actions, *differunt toto genere*; but, who will say, that therefore a mans will and his actions are not subordinate to his power, as to a moral regulation? Conjugal and paternal power may probably be said to be *toto genere* distinct from Magistratical power; yet, that hinders not but Husbands and Parents may be even as to these relations, subordinate to the Magistrate, to be censured by him for gross maleversations in their duties. There are indeed distinctions between the Civil Power, properly so called, and the Spiritual; and these not a few: But, the architectonick power, or potestative care of all civil and spiritual interests, is (as *Pareus* saith well, *Rom.* 13.) neither of these formally, nor a mixture and confusion of both, but in an eminent way comprehendeth both under it, and reacheth it self to the regulation of the actions of both. Perhaps the terming of the supreme Magistrate *the civil Magistrate*, hath given occasion to men to shut him too far from the care of spiritual things; the supreme architectonick Power is not properly the spiritual Ruler, nor yet properly and strictly the civil Ruler only, but the supreme Ruler both of civil and spiritual Officers and Affairs in his Dominions, having the eminent inspection of both; albeit he may be called the civil Magistrate, in respect that by means civil, external and co-active, he procures chiefly the whole good that he intends, according to his calling; See *Pareus*, *Rom.* 13. *pag.* 340. *&c.* He hath in himself the united potestative charge and care of the whole body under him, both in the formality of a Common-wealth and of a Church. Nor will it follow upon his supreme

supervision wherewith he is invested, that the Church as a Church, is a Common-wealth; or the Common-wealth, as a Common-wealth, is a Church; or, that the Supreme Governor of the Common-wealth as he is such, is Supreme Governor of the Church, or upon the contrary? But this will follow, that the Common-wealth and Church being one materially, as it is with us (and was amongst the ancient people of God) the Supreme Governor hath an eminent power of inspection of the whole body in the distinct formalities of it, and hath a relative power to it in both considerations: Herein is no confusion nor disorderly mixture, but one power eminently related to the whole body, to procure its good in its several formalities; in the mean time, the exercise and administrations of the spiritual and civil acts, in these who are under him, are distinct. *Luthers* testimony cited in his answer to *Melanchton de ceremoniis*, saith nothing against us who allow the distinction of ecclesiastick and politick administrations, and yet subject both to the supervision of the Supreme power.

12. It is a strange fancy, to make the King a punisher of false doctrines and miscarriages of Ministers in Church matters, and yet to deny him to be a Judge in these matters. Can any Authority or Judge lawfully punish, if it be not permitted and allowed to him, to have a judgement and judicial cognizance in the matters for delinquencie in which he doth punish persons? Should the Magistrate use his hand or his sword before his eye, and strike before he know? Surely a censuring Power, presupposes necessarily a judicative Power, and judicial cognizance of the matter. Some will give no more to the King in matters of the doctrine of Ministers, but a consequent discretive judgement upon the sentence of the Church, which (say they) is decretive: And they affirm, that that same discretive judgement is enough for the King to proceed upon the Churches sentence, to punish a Heretick or a false Teacher; but he must not, on any terms, take upon him judicially to recognosce or examine any Ministers doctrine, nor the Churches sentence concerning his doctrine, nor give any definitive sentence concerning it, but must act according to the Churches antecedent definitive sentence, which he in his private discretion thinks right. Some go farther on, allowing to the Magistrate not only the judgement of discretion common to all Christians, but also a judicial cognition of false doctrines which he is to punish, and a judicial tryal thereof, as of civil crimes which he punisheth, *Due right of Presbytery, pag.* 445. although that author adds, *The Magistrates ju-*

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d cial cognition, is only in relation to his own practice, as a Judge to authorize these Lawes with his coactive power, not to determine truth in an ecclesiastical way, under pain of Church censures. But we say, the Magistrates taking judicial cognition of a Ministers false doctrine is not only in relation to his own practice of his using his coactive power, (the use of his judgement of discretion were enough for this) but it is in relation primarily to the persons guiltiness or no guiltiness, whom he must try judicially, and find guilty in judgement, and by judicial process, before he can punish him, he must *in curia* judge of the mans fact, whether contrary to the Law or not; and also, whether he be guilty of the fact or not, and so make application of the Law to him for punishing him, be the case heresie, sedition or whatever else. And albeit in matters of doctrine, the Magistrate is indeed bound to make use of Church-men and their meetings, for counsel and direction to find out that the doctrine taught (if it be not already notour) is contrary to Gods Word and the Laws of the Land ratifying the true doctrine or appointing it; yet he must use a judicial power, before he use his punishing and coactive power; and in so doing, doth not determine truth in an ecclesiastical way, but judgeth persons varying from truth, that hath been determined by Gods Word and consent of his Church: And albeit he cannot inflict Church censures, yet may he appoint ecclesiasticks to do their duties in inflicting them, and punish in his own way their deficiency or perversion in managing such censures. Anent this, *Pareus, Rom.* 13. *pag.* 344. saith well, that it belongeth to the Magistrate *judicare de Religione, non tantum apprehensive vel discretive, sed definitive modo id faciat ordine, per debita media & juxta normam convenientem*: and how he should exercise a punitive power, without a judical, is a strange thing, unless men will make of him a meer slave to the judgement of ecclesiasticks (to whom only the judicial cognisance of matters of doctrine is given) or a meer executioner of their decrees and dictates; a judgement of discretion in order to his own action is not denyed to any Executioner, and it is hard to give the soveraign Magistrate no more. We know no judicial power on earth above the King, the dictates whereof he is bound to follow, without a judicial cognisance of the matter, before he use his sword at the pleasure of others: And do fully assent to Reverend *Rivet*, in *Decalog. pag.* 209. *Nullum superiorem Magistratu summo in terris à quo dependeat agnoscimus, dicimus autem à nullo pendere in talibus* (he speaks of ecclesiastical matters) *non ut excludamus consilium sed imperium.* Again, *Negamus Regem aut alium sum-*

mum Magistratum ullum habere præter Deum, factorum suorum ex authoritate censorem, &c.

13. How strange a thing is it to debar the Magistrate from a judicial cognisance of what a Minister speaks in a Pulpit, were it grossest Heresie or rankest Treason and Sedition: If the Minister speak Seditiously and Treasonably in a Chamber, or upon the Streets in the hearing of some few witnesses, who will deny the Magistrat's immediate judicial cognisance of that? But if in the Pulpit and meeting of Gods people in the Church, he mix in the evil stuff of most Treasonable speeches, then it is said, the King may not in the first instance, take notice of his speeches, nor convent him for these before his Council, or any Judicatory where he sits Judge, but must turn plaintif and plead his cause before the Presbytery: And if he get no right there, he must, forsooth, post from one Judicatory to another, till a general Assembly; and all the time the mischief (which may be sudden) arising from the wicked words, is uncured. And if a prevailing party in an Assembly carry the matter so, that the mans doctrine is justified, what remedy hath the King? at least, how long shall it be before he get remedy, by transferring the matter from one meeting to another, that the debate of it may be resumed? In all which time, he must attend by himself, or his proxies as a party; what a strange regiment were this? And sure any would think, there is more reason for the Prince to convent men before him, for speeches uttered in publick, then for these uttered in private. It were to be wished, that they who seem so zealous against Popery otherwise, did not too much own Popery in their opposition to the power of Princes, as to matters of Religion. Although some (as *T. C.*) have laboured to make a sufficient partition-wall betwixt Papists and themselves, in this point of the Magistrates power in things ecclesiastick; yet, how easily is such a paper-wall thrown down? as hath been evidenced by the Survey of discipline, *Chap.* 23. And how they depart from our antient sound Protestants, *Vedelius* in his Treatise *de Episcopatu Constantini Magni* hath shewed. But it is said, *Apol. pag.* 192. *every Magistrate is not fit for such matters; and should no other be a Magistrate, but he who is fit for such questions? where is there any precept or president for this? what need is there then of Church-officers for Church-matters, if civil Magistrates may do all?* and so the examples of decliners of the Kings Council are brought in. And every where almost, learned *Voetius* (although mostly without citation of his words) is brought on the stage, and we are referred to him.

Ans. 1.

Anſ. 1. We are not to look to what fitneſs every Magiſtrate hath, (there are degrees of that) but to his calling and duty. Some Miniſters are none of the fitteſt for all theſe matters of publick Government of the Church, or to be Judges in matters of Hereſie; and ſome ſupreme Magiſtrates have been found fitter then many of theſe. Every ſupreme Magiſtrate is not a very fit perſon to be a Judge of Common Pleas, or a Lord of Seſſion; ſhall he not therefore have a Supremacy in civil matters? He hath a calling, it is his duty to ſuperintend in all theſe affairs, and ordinarily wants not competency of habitual fitneſs, which is to be helped by his learned Council of aſſiſtants in Government. No man indeed ſhould be a Magiſtrate, exerciſing that power, that by himſelf and his Council may not, in ſome meaſure, be able to know his duty, both as to Church and State; and the more intricate the matters of either ſort be, he hath more need of the aſſiſtance of Counſel, but the Authority is in himſelf.

2. If the *Apolog.* ſee not precedents in the Old Teſtament of this exerciſed power of the Magiſtrate, as to Church-matters, and precepts implyed both in the Old and New, in the delineation and deſcription of the Kings Office, he ſees not far; But who is ſo blind as they who will not ſee?

3. It is an impertinent queſtion to ask, what need is there of *Church-officers for Church-matters, if the King may do all?* Who ever aſſerted that the King might do all? From the adminiſtrations of the *interiora Templi*, Preaching, miniſtring Sacraments, *&c.* the King is expreſly excluded, and doth not arrogate the ſame. And have not Church-officers work enough in doing for ſouls in their charges in private and publick? and in giving counſel and aſſiſtance to the Magiſtrate, acquainting him with the mind of God ſo far as they know it; albeit they exclude him not from his ſupreme ſupervision, and he leaving to them the immediate perſonal adminiſtration of works properly paſtoral? As for *Voetius*, who is *ad nauſeam* over and over again cited, that learned man deſerved commendation by his *deſperata cauſa papatus*, and ſome other Writings; and it had been good for him to have ſpared his writing of Church-policy, eſpecially againſt the policy of the Church of *England*, which he underſtands little. He hath in his late Writings, wronged the Reformed Churches, inclined in ſeveral things to the Independent; and ſhews himſelf (by falling on the Church of *England*) an impertinent *Polypragmon*; as he hath alſo in his Letters (yet extant) provoking the Proteſtant Univerſities of this Nation to write againſt his own ſtate of *Utrecht*. His teſtimo-

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nies in matter of Policy, so often pointed at by this *Apolog.* are not much to be valued.

14. Much ado doth the *Apolog.* make, *pag.* 192, 193. about *Ministers being immediately under Christ in the discharge of their ministerial Function, and not under the Magistrat's as his Commissioners, and acting in his Name and Authority, which* (he saith) *is imported by the Oath of the Kings Supremacy.* But, it had been well he had explained his meaning anent that *immediatenes's* of all Ministers under Christ: for, the Scriptures cited by him, though they speak of their calling and power from Christ; yet, say not that all have immediate Commission from Christ, as he saith. Apostles indeed had their immediate Call and Commission from Christ, and were immediately subordinate to him in their Administrations, so that they were countable to none but him. But, it is hoped he will not say that of ordinary Ministers, who are set in the Church by the intervention of men, imployed according to the Rules of Christ in that matter. It is true, the ministerial power (as *Pareus* saith) *quoad substantiam*, is from Christ and him only; it is his Ordinance, and not mans; the power floweth not from man, but from Christ immediately; and that way a Minister acts not in the name of any, or as his Commissioner, but only of Christ: Yet, (as the same *Pareus* saith, *Rom.* 13.) a Minister may depend upon, and is subject to men *ratione vocationis, directionis & censuræ:* men call others to the Ministry under Christ, and according to his mind, they may direct them in the exercise of it, and have power to censure them if they do wrong, and call them to an account. What ordinary Minister will deny, that he hath his calling from the Church under Christ? (and how much doth this differ from a Commission? *Commit thou the Word to faithful men, who may teach others*, said *Paul* to *Timothy*) Or, what Minister will deny that he should receive instructions (according to Christs mind) from men who commit the Word to him? or, that he is accountable to, and censurable by them, if he transgres Christs Laws? Were there not Commissioners of the General Assembly, who acted by their Authority under Christ? Some sort of mediate dependence upon men (according to the rule of Christ) must be acknowledged by all ordinary Ministers: Now all the debate is, on whom they should depend, and to whom they should be countable on earth; we exclude not the Church and the Rulers thereof, but this man excludes the Magistrate. Although we do not love to say, that a Minister preacheth or ministreth Sacraments in the name of the Magistrate, or as commissioned by him

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for the substance of his work; nor yet that he doth so in name of any other Ministers that called him, or as their Commissioners; Yet, we doubt not to say, that no ordinary Minister is so immediately subordinate to Christ, that he is not accountable to the Church and to the Magistrate also, in their several vocations for his administrations; nor that he should receive no instructions (however much according to Christs mind) from them. And albeit the bitter and reproachful man twitt the Magistrate with the title of *Civil Pope*, (striving to devest him of his Right, and to make the Ministers the *Popes complete heirs*) yet, I think, he could not make good account for himself, if he keep not his Authority over Ministers to bring them to an account when they debord: Nor, is there any absurdity to say, that Ministers who are called by men (according to Christs will) have dependence on them under him, as to the regulation of the exercise of their Authority, and as to responsibleness in their actings: yea, a Minister called by the Church, may without offence be said to be authorized and commissionated by the Magistrate for exercise of his calling, *hic & nunc*, and in application to such or such subjects, when he is by the Magistrate appointed to exerce his power which he hath from Christ, for edification of such or such parts of his people. Neither will it therefore follow, that in relation to the substance of the ministerial work, the King is their Lord and Master, who may give them instructions as he pleaseth, seing they must cleave to the only rule of Christs will, and do nothing against it for any creatures pleasure. But strange it is, that this man cannot endure to hear of the subjection of Ministers to the Magistrate in their Administrations; yet, *pag.* 193. he asserts, *That the Magistrate in his administrations is subject to the Ministers, and that the Ministers are above him, and he is to obey them, as having rule over him; and he must be subject to their rebukes and censures, even in his magistratical Administrations, if there be maleversation and scandal in the same.* I do not surely find our reformed Divines speaking of the Magistrates subjection to the Ministers so highly as this man doth: It is true, Christ is Lord over Kings and all men by his Word, the Scepter of his Kingdom hath and exerciseth a spiritual Empire over Kings, and they are his Subjects: But, as a man is not the Subject of the Kings Herauld that comes to him with the Kings Mandate, but he is only the Kings Subject; his subordination is not to the Herauld himself, but to the King whose servant he is: So, Ministers being only Heraulds, sent out with Proclamations by the great King, neither Kings nor others are to be looked upon as properly their Subjects, because the

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empire, lordship and dominion over the Church, and over Kings with the Church, is only in Christ, and not in them who are but Christs heraulds or errand-bearers, (*non tibi sed Christo*, may the Magistrate say to the Minister) the obedience is to be given as to Christ and to his Word: That watching over and guiding the Church, for which Ministers are said to be over her in an improper sense (the superiority properly being Christs) imports not her proper subjection to them, or that she is subject to them, more then a great Princes Heir is or may be called the Subject of his Pedagogue or Physician, whom his father hath sent to attend him. But as to this knot, how shall the Minister be countable in Church-administrations to the Magistrate, if he be over the Magistrate in these administrations, and the Magistrate subject to him? Shall the Superior be countable to his own Subject or be commissionate from him?

Anſ. The King is not the Ministers subject, but Christs subject, and must obey his word, when the Herauld brings it; but the Minster is the Kings subject, not only as any other private person is, but to be countable to him, as God's vicegerent, for the faithful discharge of his duty, which he may put him to do by his imperial Power, and coerce him if he do wrong. As for the Magistrat's giving commission to the Minister, if one of these, or both these two things be meant by it, that the Magistrate as chief member of the Church (as it is an external political body) have chief hand in calling him to the Ministery, or that he applies him to imploy the power he hath from Christ, here or there, to this or that part of his Dominion; we own it, otherwise not.

15. A Catalogue of terrible encroachments upon the priviledges of the Church of Christ, *pag.* 193. (which he alledgeth is made upon account of the Kings Supremacy, and for which it ought not to be sworn) is drawn up: And several things are spoken of, to the end, by the *Apol.* 12. S. which for brevities sake, shall be wrapped up in some few particulars. 1. Anent the Kings power in calling, dissolving and regulating Assemblies. 2. His power anent making Canons. 3. His power to receive appeals, in case of Churchmens supposed male-administration, and judgeing of these matters in which plaintifs appeal to him. These things will comprehend most of this mans matter, to the end of that Section.

As to the convocating, dissolving and regulating of Church Synods: This man maintains, it is no matter of conscience, but of prudence or prudential complement, to solicite the Supreme Magistrate for a Synod,

nod, *pag.* 194. and that the Church, being a distinct body from the Common-wealth, hath her own intrinsecal power of conveening her self, or convocating her members when she pleaseth; as she did in the times of the first persecutions, and as this Church did at our first reformation, and as was done by the *Apostles*, *Act.* 15. And he saith, *pag.* 194. *It is needless for the Church to go out of her self, to seek a power to conveen; seing she hath it intrinsick in her self: And if she had not this power, she should be in a remediless case when the Magistrate were her enemy.*

17. To all this we say, 1. That when the Church is under Pagan or openly persecuting Magistrates, enemies to the Gospel, she and her guides may do very much for mutual confirmation and communion together in faith in holiness, and for redressing and purging out of scandals and remedying abuses; upon her peril, the Church may then do her best for preserving her self pure, and for continuing the truth and ordinances of God, by mutual counsels, and joynt searching of the mind of God, in lesser or greater meetings. When *Israel* was in bondage in *Egypt*, they might meet as they could to preserve communion in the holy things of God; but when *Moses*, *Numb.* 10. 2. got the power of conveening them by his Trumpets, they might not meet in civil or Church Assemblies, if they were not summoned by the sound of his Trumpets. When Parents are in prison, Children may do the best they can for preserving themselves and the family; but when Fathers are at liberty, the whole power of ordering the family is to be rolled over on them as their due. A single Congregation (if there were no moe in the World) may do all Church Acts that an œcumenical Assembly of Christians in the World could now do; Yet it is hoped, that the men with whom we reason, will not allow a single Congregation all this power, if association may be had: Cases of extream necessity may sometimes make that to be lawful (at least excuseable) which in other cases were not so. *Necessitas lex temporis, quod facit excusat* (say the Lawyers) necessity made it lawful for *David* and his men, to eat the shew-bread, which was not ordinarily lawful for any to do, but for the Priests: If a King were sick or in a great distemper, and an Army of Turks invaded the Land, who would think it unlawful to other Magistrates and people, to take Arms and defend the Land without him? And when the King recovered, he would thank them and praise their loyalty to him and seasonable defence of themselves. It is no robbery of the Magistrate, for the Church to provide for her own well being, when he is under the suspension or

restraint of doing the office of a Nurse-father to her, (through his own ignorance, infidelity or graceleſſeneſs) So this caſe of neceſſity is not *too weak a plea*, as the *Apologiſt* ſaith, *pag.* 198. That may be regular and not ſinful in ſuch caſes, wich in other caſes were otherwiſe.

18. But to our purpoſe, when God gives to his Church Magiſtrates to be her Nurſe-fathers, and ſuch as in truth do own the Goſpel and Ordinances of Chriſt; we aſſert, that it is not only a matter of prudential complement and unneceſſary courteſie, (as this man thinks) for the Church to wait upon the Magiſtrates conveening of them: But a matter of conſcience, that they ſhould not without his approbation and conſent, make publick national convocations of his Subjects, or againſt his will, ſeiſe upon his Cities and Towns, to poſſeſs themſelves therein, to act without his conſent asked and given; much leſs, to hold theſe publick places, and act there againſt his will, and in deſpite of him and his Authority oppoſing them: we deſire but one example in all the Old Teſtament, of Church men in extraordinary national meetings concerning themſelves *inſcio & invito Magiſtratu*, or without his approbation; or one example (in all the time, wherein Chriſtian Emperors and Kings have been in and of the Church) of Church-men conveening in theſe extraordinary Aſſemblies we now ſpeak, either national or æcumenical, without the authority of Chriſtian Emperors and Kings, tacit or expreſſe, or by their ſpecial Mandat, or the Mandat and Warrand of their Laws, untill the man of ſin trampled upon all Chriſtian Princes, and beat them from their priviledges.

2. How inconſiſtent is it, to talk of an intrinſical power of the Churches conveening and convocating themſelves, (which is only extrinſical and accidental, for want of the Nurſe-father to do that duty) and yet to acknowledge, that in a prudential complement, it may be put upon the Chriſtian Magiſtrate to conveen them, *pro re nata*, and as he ſees cauſe? will it be ſaid, that there are any intrinſical priviledges of the Church (as a Church) communicable to the Magiſtrate, in point of prudence or prudential complement? The making Canons in matters of Faith, the ordaining and deordaining of Miniſters, the execution of cenſures on Miniſters or People, are pleaded to be the Churches priviledges, incommunicable to the Magiſtrate, becauſe belonging to her intrinſick power; and yet, the power of convocating or conveening Aſſemblies, is not denied by our general Aſſembly, *Anno*, 1647. Act before the Confeſſion of Faith, to belong to the Magiſtrates authority;

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as also the Confession of Faith, *chap.* 31. grants that same priviledge to him. But this man would tell us, how the intrinsical priviledge of the Church can be thus alienated to the Magistrate, or he permitted to make use thereof, especially seing he telleth us, *there is no expres warrand either for seeking or having the Magistrates consent, to the convocating a Synod, pag.* 194. *And that the Church, having intrinsick power for this, needeth not go out of her self to seek it*, ibid. And is it so, that it is but a needless complement to the Magistrate for the Church to petition him to conveen them, having so much intrinsick power in her self to conveen? Is it just like a man, having intrinsick power to govern his own family, going to seek the leave of his collateral and parrallel neighbour to do it? And will it not by this mans principles evidently follow, that it is sinful to seek leave of the Magistrate to hold an Assembly? For, he not only saith, it is needless for the Church to do so, but also, that there is no expres command for seeking or having his consent, (and he will say surely, that in matters of Religion, the Church should not do what she has no expres command for) And so he must think, that to seek the Magistrat's consent to a Synod, is either a sin, or a work of great supererogation. But as to his talking of expresse command, perhaps it will trouble the *Apologist*, to find out an expresse command for any extraordinary judicial Assemblies of Officers of the Church, especially national Assemblies, about which now is the question, and concerning convocations of them: Papists, as *Pighius de eccles. Hierarch. lib.* 6. have said, *origo conciliorum est plane humana, & naturali ratione excogitata.* Bellar. *de conciliis. lib.* 1. *cap.* 3. dare only say of this ordination, *probabilius est esse divinam ordinationem*, and rests upon this, that it comes by *apostolick tradition.* The Independents utterly denyed the divine institution of authoritative Synods, and the Assembly of Divines at *London*, are forced to lay large more weight of the national Assemblies *on humane prudence, then on divine appointment*: They shun to say these Assemblies and Subordinations, anent which the Independents dispute with them, were *divine institutions*, but only *agreeable to divine institutions.* But, let convocating Assemblies and these great gatherings of National or Kingdom-churches be an institution of God, the Magistrate can produce his warrand to have chief hand, in the convocation of his own subjects, because he is *caput communitatis*, and should be head and leader of the great body in these great and publick motions, which not only concern the Church, but consequentially do influence the state, as to its peace and tranquility.

3. This man departs from the Doctrine of the Protestants, anent convocating Synods; for, albeit they speak of a power the Church hath to meet, yet they claim not the exerting and exercising of that power (where the Magistrate is a Christian) without his consent and authority. They agree all in this, (as *Parker* tells us, *lib.* 3. *cap.* 27.) that *congregare*, to gather a Meeting, *proprie & per se est opus humani ordinis*; and to congregate in the Name of Christ, *est opus humani ordinis in re Ecclesiastica*, and so cannot be without him who is *præfectus humani ordinis*, such as the Magistrate is in his own Dominions. So it is no matter of complement, but of conscience, to depend upon the præfect of humane order, *i. e.* the Magistrate, even when the Meeting is in and about Ecclesiastical affairs. They agree also in this, that when Church and State do coalesce into one body materially (as it is with us under our Christian Prince) the Church *quoad exercitium potestatis, divisam nullam habet*; it hath no divided power from the Prince for exercise, as to convocating. Mr. *Beza*, in his answer to the second question proposed by my Lord *Glames*, Chancellor of *Scotland*, saith, *Non nisi Majestatis Regiæ jussu & auspiciis convocandæ sunt Synodi*; where also he shews his dislike of the Set and ordinary General Assemblies of our Nation, *Minime oportet* (saith he) *universales Synodos totius Nationis esse statas*; and when they are, will not have them conveened but by Petition to the Prince, that by his Authority interveening, they may be conveened. Also *Danæus*, in his *Isagog*, *lib.* 3. *part* 3. *cap.* 38. *Synodi* (saith he) *nullo modo, sine Authoritate Magistratus sunt convocandæ*. *Parker* also cites *Junius* and *Bogerman* to the same purpose, and concludeth, that whatever power the Church may use in conveening in other cases, yet where the Magistrate is Christian, *usum potestatis esse subjiciendum potestati magnifici principis*, according as the Matiscon Council, 2. *cap.* 22. speaketh judiciously.

19. As to that which is said, *The Church shall be in a remediless case, if she may not have power to meet when the Magistrate is an enemy to her*; *yea*, (as some add) *when he ceaseth to do his duty and is negligent, which is equivalent to enimity*. *Ans.* 1. How hard a case is it for the Magistrate, being himself a Christian, and giving entertainment to the Gospel, and encouragement to the Preachers of it in his Dominions, to be (upon all occasions, when a prevalent party of Ministers or people think fit to do so) represented to his Subjects (and that extra-judicially) as either an enemy to Religion, or neglective of his duty anent the same? A National Synod cannot be conveened with-

without him, or against his will (say they) but in one of these two cases: Now, it may be enquired who shall be Judge of these cases? for, it is supposed, that antecedently to the conveening of the Assembly, he is declared enemy or negligent in his calling, otherwise they would not conveen without him or against his will. But, who shall do this antecedently to the Synod? Should a publick imputation of enimity to the Gospel, or negligence in his duty toward it, be laid upon him by any particular Presbyteries or Persons, before and without the sentence of a National Synod? Is not this both to sentence him and to punish him extra-judicially, by these who have no Authority (nor pretension of it) over him? How unsafe for Princes is it (as well as undutiful for Subjects to do it) for Princes (I say) who by their Laws have established Religion, who maintain the Preachers and Professors of it, and protect them against adversaries of all sorts, to be exposed before their people by any clamorous party, as guilty of enimity to, or neglect of the Gospel, and so to have their Subjects, without and against their knowledge and will, hurried together into a general National Meeting, having power (according to their principles) to censure his scandalous deficiency in his duty or enimity, as they will call it: For, they say he is *subject to their censures, even to excommunication*; and then the old Moderator of the Assembly, *G. Buchannan* will tell what should follow, *De jure Regni*, pag. 51. *Omnibus Christianis interdicitur ne convictu, ne colloquio, ne consuetudine Magistratus utantur, civilium Legum pœnas civibus relinquet Ecclesia, nec præter Officium faciunt si cum quo Lege divina nullum ipsis commercium est eum ne suum Regem esse arbitrentur.* And, *pag.* 61. *Igitur quem Ecclesia vivum è cœtu bonorum expellit, mortuum in cœtum cacodæmonum relegat, nonne eum morte dignum existimabit?* These words I like not to English.

20. But this shall be only said, that a King is in no good taking, if first extra-judicially he be represented by a clamouring party, as either an enemy or neglective of the Gospel-interests; and so a Meeting being gathered against his will, he shall be therein declared such (which they must do to justifie their Meeting) albeit he be a friend, favourer and protector of the truth indeed, only can see no need of extraordinary convocations of his Subjects. Hardly will this *Apol.* or any man, shew us a meeting of any Church-assembly in a Kingdom, conveened against a Princes will, but in end it was found to be against his Person and Authority: it is the ordinary way of people once engaged in disorders, to proceed from evil to worse, and to think *Scelera sceleribus sunt tuenda*;

da; but, *Quid eo infœlicius cui jam esse malo necesse est?* It is a miserable thing to be sinfully engaged to maintain one fault by another, and one affront to Gods Ordinance by a greater. True it is, were the case such as was that of the primitive Christians, when there was no ground to doubt of the enimity of the persecuting Emperors against the Gospel and Professors thereof; Christian Pastors might, for their mutual edification, their mutual confirmation in faith and holiness, and for redressing abuses contrary to the Gospel, meet as they might upon their peril, and without asking their leave which were clearly needless: But, when a King is an orthodox Christian and a favourer of Religion; though Church-men by their correspondencies may represent to him, the necessity of National Meetings extraordinary, and petition for them (as for other Meetings for exercise of Gospel-ordinances, it cannot be supposed that he favours Religion, if he should hinder these) but to meet without his leave asked and given, no sober Divines will acknowledge it right. Nor should the extraordinary case of the Church, conveening in Synods against the Pagan Magistrates mind, be brought to justifie such Meetings in ordinary cases under a Christian Magistrate, more then they who yield something to be done by the Magistrate, as to Church-matters, in the very corrupt and degenerate state of the Church, will allow the same to be ordinarily done by him in the right and healthful condition of a constitute Church.

2. It is not true that the Church should be in a remedileſs condition, if she should want the remedy of these extraordinary Synods whereof we speak now (the convocating whereof we attribute to the supreme Christian Magistrates in their Dominions) for, such Synods are not necessary, neither *ad esse*, nor *ad bene esse Ecclesiæ*, although conducible *ad melius esse*. When powers of the world are enemies or small friends to the Gospel, the Church may be, and hath been under the wise and watchful Providence of God, preserved by other means; as by faithful preaching the Word by one and the same Spirit, according to one and the same rule, by mutual correspondencies and communicatory Letters, from Pastors to Pastors, and Churches to Churches, for maintaining communion in one faith, and mutual strengthning one another against abuses and errors. It is well known, that for the first three hundred years after Christ, there was no general æcumenical Assembly of the Church; yet, Gods Church was not then in a remedileſs condition, but he preserved it under the enimity of Pagan persecutors and oppositions of Hereticks. Neither is there (after the Apostolical Synod (as it is called) *Acts* 15. which was *anno Christi*, 51.)

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any instance to be given of a particular or provincial Synod amongst Christian Pastors, for the space of one hundred and fourty seven years after, untill the Roman Synod under *Victor* Bishop of *Rome*, *anno*, 198. And for the whole space of above one hundred years after, there are only reckoned (before the Council of *Nice*) twenty or thirty provincial Synods; in all the several parts of the world where Christianity took place; many of which Synods were very private, being held *in cryptis* and in secret places for fear of persecution, and consisting most part of a few Bishops corresponding together under the cross, and sometimes held for no great advantage to the Church; yet, all that time God preserved his Church without the use, or frequent use of such Assemblies. And doth not the harmony of the Reformed Churches Confessions shew, that God keeps them in a good agreement in the faith of the main Gospel-truths necessary for Salvation and for the beeing of a Church, albeit his Providence hath not allowed them the means of a common Assembly?

21. But next, from the Magistrat's power of calling Assemblies, let his power be looked upon, as to the *constitution, actings and dissolving of the Assembly*: This man makes it, 1. unlawful for the Magistrate to name the Members of a Church-assembly, but they must all be delegate from the Churches, and none of them chosen by him. 2. Asserts his own or his Commissioners presence in a national Assembly, to be unnecessary. 3. That if he come, he must have no voice decisive in the Assembly, because he is not delegate by some Churches in the Countrey. 4. That he must not prescribe no matters or causes to be treated of in the Assembly, but give them free leave to dispute, decide and determine as they will, of all things coming within the compass of Religion. 5. That he may not dissolve their Meeting, so long as they please to sit. 6. That their orders must be binding on all the Members of the Church, as to censure ecclesiastical, in case of contraveening, consent the King or consent he not. See *Apolog.* pag. 195, 196, 167.

22. To the first, when there is no Christian King to take care of the Church of Christ, as we put it out of question, that Churches for their mutual confirmation and entertaining communion, may assemble in synodical meetings, without so much as asking leave of the Magistrate (which were a thing needless and hurtful to them, he being supposed a persecutor of their whole way) So, there is in such a condition a necessity of delegation of persons, the whole bodies not being able to meet or concur in acting, and none being obliged by the acts of

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these Synods, but such as consented to them by themselves or their delegates; and none of the acts of such Synods, having the force of Church-canons, so as to subject any to censure, but only the consenters: But when a Church spreads thorough a Kingdom, grows into a national frame, and is cherished under the wings of the Soveraign Christian Magistrate, who hath the supreme supervision of her, there is no necessity of particular Churches delegating all the members that do constitute a Synod: But, the King convocating the Synod, may nominate and design the constituent members, they being such, as by vertue of their office, may meddle in Church determinations, and who by their abilities and integrity, are seen of all others, fittest for such work; for, why should not the Churches Nurse-father, design these persons, who should give her good milk, and nominate them, who by vertue of their office and abilities, are fittest to advise and assist him in procuring her good? True it is, he may cede so much in his right, as to permit the designation and deligation of persons, who are to meet about Church-matters, and to determine according to Gods mind, what is meet to be injoyned to subjects (as he doth permit Cities and Shires to delegate their Commissioners to Parliament, to represent griveances, to give advice anent redresses, and to prepare for making Laws wholesome for the Common-wealth, which doth not any way encroach upon his Soveraignty.) But there is no necessity lying on him, by vertue of any divine Law, so to do; if there be any such Law, let it be produced, and it will be yielded unto. We know a a distinction is made, between the state of the Church not settled or constituted in point of Government, and the state of the Church settled and constituted, as if in the former case, the Magistrate might do more then in the latter, and nominate the Members of an Assembly, in that case, which he cannot do in this. But besides that, this were enough to justifie the Magistrat's nomination of constituent members of an Assembly, in the case our Church is in (unsettled enough God knows) we can see no reason, why in the most settled constitution of the Church, the soveraign Magistrate may not nominate and call unto him, a competent number of fit persons, who by their callings and abilities and integrity, are like to give him most faithful counsel, in managing that great trust which God hath given him toward his Church; *Habet etiam ecclesia suum vulgus, & optima quaque paucissimis semper placuere*: There is greater or as great danger, that in these delegations given to some by particular Churches, the plurality may incline to send none of the best nor most learned, godly and sober,

ſober, as there is; that a conſcientious Prince ſhould nominate ſuch. The aſſembly of Divines at *London*, in the Confeſſion of Faith emitted by them, allows a Synod ſo called, lawful to all effects, *chap.* 31. *art.* 2. It is true, our Aſſembly, *Anno*, 1647. take on them to expone this article, as meant only *concerning the Magiſtrates power in convocating Synods by nominating the members conſtituting the ſame, in the unſettled ſtate of the Church.*

But, why he ſhould not retaine that ſame power at other times, no ſolid nor ſufficient reaſon can be given; nor can it be evidenced, that he goeth beyond his bounds; if, having the chief ſupervision of the Churches good within his own Dominions, he do in the fear of God and a holy care, to have the beſt inſtruction and direction in his duty, nominate and call together Miniſters moſt approven for gifts and integrity, to declare unto him the mind of God, which he ſhould follow in governing his people, and to aſſiſt him with their beſt counſels, that he may by his authority command all things to be done in the houſe of the God of Heaven, according to the will of the God of Heaven: And it is as like, that he with his wiſe Council, may pitch upon men of greateſt integrity and abilities, as that they ſhall be choſen when the election is committed to popular meetings; or the weaker or unſounder plurality of Presbyters, where ruling Elders are half the number. 2. It is an overlaſhing, to ſay Churches are robbed of their juſt priviledge, if they may not have power to delegate whom they will to Synods; I would gladly know, where there is any particular rule for ſuch priviledge under the Chriſtian Magiſtrate; I hope the Libeller will think, he hath little reaſon to alledge *Paul* and *Barnabas* delegation, *Acts* 15. from the Church of *Antioch*; for, beſide, that that is only one example, which makes no rule, they were not fixed members of that Church (ſuch as now is alledged delegates muſt be) it was below *Paul* (at leaſt) to be ſo, neither was *Barnabas* a fixed member there: It was their charitable duty to that Church, to be willing to carry the reference of the caſe of conſcience that troubled Chriſtians there, to the then much regarded Church at *Jeruſalem*, (becauſe of the preſence of the Apoſtles there as yet, and becauſe from that Church the Truth had proceeded to theirs) for obtaining their reſolution, to end the controverſie: But, as we hear not that the matter was tranſacted by the delegates of that Church, ſo we cannot look upon the eminent carriers of the reference to the Apoſtles, Elders and Church at *Jeruſalem*, as appearing there in the quality of voycing delegates, both for the reaſon before hinted at, and becauſe

that *Paul* and *Barnabas* having had much dissention and disputation at *Antioch* with these who were of the wrong side, as 2. *vers.* appears, it should not seem congruous to the ending of the controversie, had they at *Jerusalem* been admitted to sit as deciding Judges. Again, let him tell us if the Church of *England* was robbed of her priviledge, when the Parliament there called an Assembly of Divines for advice, particularly nominating them, and mixing in many others with them who could pretend to no official power in the Church. If it be said the state of that Church was then unsettled, and so more might be permitted to the Magistrate then otherwise; we say, whatever unsetlement was in the State at that time, or whoever were the culpable causes thereof; yet, had that Church for many years before, been looked upon as eminent amongst the reformed Churches, and not as *constituenda*, but *constituta*; and if any corruptions had crept in, why should not the remedy been first sought from her self, before such an extraordinary course (if it was extraordinary) had been taken? But, if these who convocated that Synod, had shewed a sufficicient right to magistratical power and authority without the King, the convocation of a Synod in such a manner was no fault, nor is it to be thought a fault, in the constitute state of a Church so to do: Neither can this mans great master *Voetius*, nor himself either, show that it was the practice of the Church in all ages, to delegate to Synods such as they thought fit; or that the Magistrates, who did convocate Synods in all ages (since there were any Christian Magistrates) either by expresse mandate or tacite approbation, did not design the constituent members, either by name or by their offices and places in the Church: And this latter is all which the Act of our late Parliament, concerning the Synod, grants unto the King; yea, grants it with this moderation, that a delegation of a great part of the members of the Synod, is permitted to ministerial meetings for exercise. And this shall be asserted, that it hath been the constant practice of all ages (since there were Christian Emperors and Kings, untill the Pope got up above them) that Christian Emperors and Kings did convocate them; it is clear, all œcumenical Assemblies were convocated by Emperors, and National Synods were conveened by the Kings and Princes of these Nations where they were held, (albeit for diocesan or lesser meetings, they haveing allowed them by their Laws) did usually permit Bishops and Presbyters, to hold these meetings in an ordinary course, without more particular intermedling in them, they carrying themselves as became. But the convocation of these greater Assemblies,

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even in the most settled state of the Church, Princes keeped in their own hands, and had right so to do; neither can it be proven, that constituent members of Synods, were alwayes delegated by the Churches, and not designed by the Magistrate. Of the ordinary power of Princes in convocating Synods, See *Gerhard de Magistratu, pag.* 597. *Parens*, 13. of the *Romans*, *pag.* 1345. And we shall close this with the saying of *Tilen. orthod.* first disputation of Councils. S. 29. *Certum est, congregationis conciliorum, tum mandatum tum actum ad humanum ordinem pertinere; Hoc ergo opus qui suscipit sine authoritate illius cui ordinis hujus tuendi cura incumbit, is terminos à Deo positos non sine scelere movet*; which words, having weight and truth in them, are worthy to be noticed.

But this man is so far transported against the Magistrat's power in convocating Synods, and in nominating any of the members constituent, that he asserts, *pag.* 195. That upon that ground, *the constituent members should vote not in the name of Christ, nor of the Church, but in name of the Magistrate who did so conveen them, and the meeting should not be a pure Church-meeting, but either wholly political or politico-ecclesiastical. Anf.* If this reasoning be good, the Synod of divines at *London*, (from whom we received our models of Faith, Worship and Government) acted not in the name of Christ, but in name of the Magistrate, and was but a political meeting, or at best a mixed one. 2. This reasoning, will altogether exclude the Magistrat's authority, in convocating Synods against the common sense of Protestants writing against Papists, who give him authority to convocate Synods, whatever power the Church may use, when the Magistrate is either not Christian, or wanting in his duty. 3. The members of a Synod convocated by the Magistrate, do indeed meet in his name (that is, by his authority, as the *prefect of humane order*) but in the search of truth and treating of ecclesiastical causes, expounding Christs mind ministerially, or ordering his House according to his mind, or correcting abuses against his Ordinances, they do according to their offices, act in *Christs name and authority*, waiting on the direction of his Spirit, looking to the rule of his Word, aiming at his Glory, without partial, private and carnal affections. A Synod may very well act and meet in the name of Christ, albeit by the Magistrat's authority they do meet; And sometimes also, albeit the Church delegate all the constituent members, and use that (so called) intrinsical power to conveen the members; it may come to passe, they are not met in the name of Christ, nor do

act in his Name, being miscarried by their corruptions. 4. Untrue it is, *that delegates to a Synod do act in name of the Church that sends them* (as this man saith) they act in Christs name only, according to that official power he hath given them. As a Minister chosen by a people to be their Pastor, doth not therefore preach in their name who did choose him, but only in Christs name; So, delegates to an Assembly, albeit they have that extraordinary call (so to term it in some sense, because the meeting is extraordinary) superadded to their ordinary official power, that they may in conjunction with others, exert the same for the Churches behoof, yet that election or designation of them for that end, makes them not to act in the name and authority of those who sent them (the Churches) but they act and vote in the name of Christ only. And so, suppose the Members constituent of a Synod to be designed by the Magistrate, by whose Authority they are conveened; yet, (being conveened) as to the substance of their work, and their actings about spiritual things, they act only in *the name of Christ*, whose matters these are, and whose mind they must search and follow, holding forth the light both to the Nurse-father of the Church (who called them to act there) for his direction and assistance in his duty toward the Church, and to the whole Church, for the good of which they are gathered together; So their meeting is not political meerly or mixtly, but ecclesiastical, as to the matters treated and the ends of it.

24. But, to go on, the Apologist will neither have the *King nor his Commissioners presence necessary in a national Assembly*: anent which he saith several things, and still the impertinent medler *Voetius* is (*ad nauseam*) cast up to us; a man whom the States of the *Low-countries* may in their time notice, as undermining their just magistratical Power. But, as to this mans particulars on this purpose, 1. He saith *there is no Law of God for this. Ans.* When he shall produce a Law of God for a national Synod under the Gospel, a Law for the Christian Magistrat's presence in it shall be produced; but we may justly say, that the same Law of God which makes him *præfectus humani ordinis in re ecclesiastica*, and that gives a Supremacy to him in governing persons and matters under his dominion, makes it right necessary that he should be upon the head of his people in these great and general confluences of his Subjects, to attend that neither Church nor State receive any detriment. 2. He is too impertinent to alledge *Synods in the primitive times held without the presence of the Magistrate*: If he speak of the primitive times of the Church under persecution, it is nothing to

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the purpose now, when the question is anent the times when Magistrates have come in to be Christians and Nurse-fathers of the Church; If he mean, that Synods were held in the primitive times after Magistrates were brought to the faith without their presence, he speaks untruly; for, we have ready instances of both general and national Synods, where Kings or their Commissioners did sit; as *Constantine* the great in the Synod of *Nice*; *Martian* in the Council of *Chalcedon*, who appointed Commissioners for him when his necessary affairs drew him away; *Theodosius* the younger had his Commissioner *Candidianus*, in the great Council of *Ephesus*: Many other Emperors we might name, who were present by themselves or their Commissioners in general Councils; and many Kings of *Spain*, *France*, &c. by themselves or Commissioners present in national Councils, but forbears to spend paper in a known matter. So that if this man have any ingenuity, he must qualifie, or else eat up again his word, That Synods in the primitive times were held without the Kings presence. If there were any Synods (as there were indeed) after Kings had received the faith, wherein neither they were personally present, nor their Commissioners for them; yet, seing these Synods did meet and sit by vertue of their Laws allowing them liberty, the King allowing by his Will and Law the Meetings (albeit perhaps great affairs of the Common-wealth might hinder his own or his Commissioners presence, or Church men demeaning themselves dutifully, needed not the perpetual inspection of the Prince in all their Meetings) the King was to be thought virtually present, where his Law was warranding the Synod to meet and act. 3. As for national Synods *keeped in* Scotland *without the Kings presence*; If he speak of the first times of our Reformed Church, when our Princes were open enemies to our profession, he saith nothing to the purpose, while we are speaking of the times when Princes are of our profession with us. If he speak of after-times of this Church, when we had a King of our Profession, and of the same true Religion with us; True it is, national Assemblies were keeped in this Church all the time of King *James*'s minority; and never any of his four Regents succeeding one another, gave their presence at these Meetings; it is likely, because the Meetings wanted the approbation of the Laws of the Land, yet in prudence they forbore quarreling with them; not that they allowed the frequency of such concourse of the Subjects, nor the vast liberty of these Meetings, but they saw it not for the safety of the State (they themselves also being ingaged otherwise in continual troubles and civil broils) to move any such quarrels. In

several

several Parliaments they held the Church-men in suspense by conferences anent the Church-jurisdiction; and seeming to aim at something that way, did nothing till *anno*, 1584. the Parliament finding the Church-men go high in some disordered courses, they discharged all these spiritual Courts and Jurisdictions (that without Law had taken Authority over the Subjects) till they were approven by the King and Estates; which approbation was at last given, *anno*, 1592. But, we say, so long as the national Synods were not controlled by King and Parliament, they might have presumed themselves to have their tacite allowance and permission, which might be to them in stead of their personal presence, which a troublesome time might hinder. But, if any Assembly slighted his personal presence or Commissioners, as in no sort needful, and would act not only without the King, but against his expresse inhibition, we must not live by examples, but by Laws, *à facto ad jus non valet.* 4. Whereas he saith, the Magistrate, as such, *is no constituent Member of the Synod, and therefore his presence is not necessarily requisite. Ans.* The Magistrate, as a Magistrate, qualified by his Christianity for exercising his duty toward the Church of God, is as to his calling thus exerted *præcipuum membrum Ecclesiæ*, as the Church is an external political Society (as our best Divines do not doubt to call him) and in these great and extraordinary national Meetings of the Churches, whereof he is in his way Governor, (as Mr. *Perkins* doubteth not to call him, *Revel.* 3. 7.) the Soveraign Magistrate hath right to be President, and not only to be there to defend the Council or Assembly with his power, but to order the actions thereof, not suffering any thing to be done passionately or clamourously, but setting them awork to search the ground of every thing, with a befitting composure of spirit: providing also, that they who meet may be free to act without fear or terror of any man, and without all partial and sinistruous respects; and taking care that error and wrong be avoided in all the proceeding, and that things in and concerning the Church, be done according to Gods mind; restraining also impertinent digressions and confused proceedings, judging and pronouncing according to what they see alledged, with approbation and assent of the Council, subscribing and confirming with his Royal assent the things agreed to; and finally, in cases of miscarriage, to put end to the Council, and transfer matters to the judgement of others to be resumed and re-examined. All this is within the compass of the Magistrates power, as a Member and a President of the Council. And although they will call him political President only, yet who can see

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what an ecclesiastical President may do more then he may do by his Office, except it be to open and close the Meeting by prayer to God, and under him to order the Meeting. And we do think it convenient end decent, that under the supreme Ruler there should be such ecclesiastick Presidents named by him, men of piety and prudence, and good experience for ordering the actions of the Assembly: as *Hosius* Bishop of *Corduba* in *Spain*, was in the great Council of *Nice* President, not by election of the Assembly, but by designation of the Emperor for his known singular piety and learning. But, we abhor the *Apol.* assertion, that Christian Princes are no constituent Members in the Christian Synods of their Kingdoms; for, they being by Office Presidents for such effects as we have named, and Nurse-fathers of the Church, who can deny them to be Members? and who can suffer it, that the poorest and most ignorant landward Ruling-elder should be a constituent of the Assembly, and a grave Judge in parity of power with the most reverend Minister in the meeting, even in deciding controversies of Religion; and yet the Prince (if he be there) must be only a courteous spectator of the proceedings of such grave definitive Judges, and have no more to do, but to protect them while they do what they will toward the Church, and to himself also, and toward his Subjects, prescribing to them what they should believe, and what they should do in divine worship and in conversation, and stricking them with what censures, and for what they please? In the mean time, he is a meer cipher, and must not by any thing he doth, antevert the sage sentences of such Judges (the plurality whereof, is sure the weakest, if not the worst) but humbly follow and lackey them, lending them his Sword to all purposes they please, as he would escape the falling of their spiritual Sword upon himself, and then it is known what will follow.

25. But we must cleave to this, that in ecclesiastical meetings of Synods National, the Magistrate is a constituent member and a judge, *vi officii*; neither do we in this depart from the opinion of soundest Protestants, nay not from the opinion of them who seem opposite enough to Episcopal Government. Only look to Master *Parker*, *lib. 3. de polit. eccles. cap.* 390, 391. where he saith, *si qui, &c. If any will deny to Magistrates the power of judging in causes ecclesiastical*, per me absurdi audiant, *let them be accounted absurd men*: And a little after, having cited some sentences of reformed Divines, *Vides* (saith he) *reformatas ecclesias, &c. Thou seeth the reformed Churches do acknowledge the Magistrate to be judge in the Synod.* And

And then, least any should say, that the Reformed acknowledge the Supreme Magistrate Judge only, as to preservation of order in the Synod, not in the decision of matters debated, he answers, that *he is with the Synod conjunct Judge, even as to the matters debated*, and asserts, *that the controversie between the Remonstrants and the Reformed, is not whether the Magistrate be a judge in the Synod, but* whether he be *solus Judex*, only Judge: For, *Bogerman*, the Remonstrants adversary, acknowledgeth the *Magistrate to be Judge, sed non solus Judex, verum ut pars Ecclesiæ*; And he addeth, *pag.* 391. *Si qui autem sunt*, &c. *If there be any who will not acknowledge the Magistrate Judge*, quoad Ecclesiastica, *no not in a Synod, as they agree with* Bellarmine *and the Papists, so they are splendidly refuted by* Whitaker, *lib. de concil. cap.* 3. *arg.* 3. and he sends his Reader to *Whitaker*, to see *Imperatores statuisse, judicasse, decrevisse in Conciliis.* Now, how is it possible he should be a Judge, if not a Member constituent, as this man will not at all have him to be? *Parker*, an Independent, is more favourable to the Kings just Supremacy, then this man is. 5. It is very evil reasoned by him and his great Teacher too, the famous *Voetius* (of whom he learneth much of his anti-magistratical Clergy) that if the Magistrat's presence be needful in national Assemblies, he must not be absent from lesser Assemblies; for if he or his Commissioners be present in the great concourse of a national Synod, where Laws and Canons are made for regulating all inferior and lesser Assemblies, and they are to be accountable for their male-administration, contrary to these set rules, there is no great need of his presence in lesser Assemblies. Were it a wise consequence to say, because the King or his Commissioner, must be present in Parliament, where Laws are made to direct all inferior Officers of justice; that therefore he or his special Commissioner, should be of necessity present in all Sherif-courts or Burrough-courts, or Courts of Justices of Peace, throughout the Realm? It is supposed, these Courts have warrand to act by his Laws, and are accountable for the legality of their administrations (and thus he may be judged, interpretatively and virtually, to be present with them) So it is as unwise a consequence to say, because the King or his Commissioner must be present in a National Assembly, that therefore he must be present in all lesser Assemblies, which are regulated by the Canons agreed to in the National Assembly. And yet, it were nothing absurd (as this man saith it is) if the King should in every Church Assembly (even lesser) throughout the Land, have some prudent man to trust with inspection of proceedings

proceedings of Meetings, that they might neither wrong Religion, nor his Authority, nor the publick Peace: And it is like, that course had prevented much mischief, which hath in former times broken forth.

But to proceed, the *Apologist, pag.* 196. is peremptory, *that though the King or his Commissioner be present in a National Assembly, he should not have so much as one voice with the rest of the Commissioners in the Assembly, because he is not* (forsooth) *delegated by any Church in the Countrey, and because, if he have suffrage as a Magistrate, all Magistrates even Heathen, should have suffrages in Synods; yea, that if that be granted to him,* (he saith) *all the acts of the Synod should be civil acts, and no Church acts, being done by no Church Officer,* &c. *Ans.* 1. Who will not think it a very fine popular device, that not only Lords, but the meanest rustical Elder, (that is no Minister whose lips should keep knowledge, at whose mouth the Laws should be asked, nor none of these who have the concional powe of interpreting the mind of Christ) should have a decisive voice in all religious matters and causes; While the Soveraign Magistrate, who is the great Nurse-father of the Church, and the Minister of God for all our good, spiritual and temporal (in wayes and means fit for him to use) must in these Meetings stand as a humane spectator, and as a meer cipher, having nothing to do there, but to pedee the sage determinations, not only of Lords or Gentlemen, or Ministers, but of Clowns, (if they shall happen to be chosen Elders, as often they are and may be) and to lend them his Sword to strick when and whom, and in what cause they please; reserving to himself no more but a discretive judgement, (as much is due to the common executioner at *Edinburgh*, as to his own actions) and pleading that if his discretive judgement, submit not to their decretive judgement, they will first subject him to excommunication for the error of his discretive judgement? And then what should follow, *Buchannan* told us above. 2. Whereas he saith, if the King have any voice in an Assembly, *all Magistrates, as Magistrates, should have it, and so Pagans also:* We are confident in this, that all Magistrates, even Pagans, have a right to voice and judge in Christian Assemblies; but they who are Pagans, are under a suspension and restraint of their right, (through their infidelity) and cannot have the exercise of it for the benefit of Gods Church, so long as they are in that condition; they are much like Ministers suspended from the exercise of their office, who when the suspension is taken off, are at liberty to

use it. 3. Where he saith, that if power in Synods *be granted to the King of a decisive voice, or if he be the supreme Power, (all others in the Synod being but his Counsellers and Advisers) the acts must be civil acts (as proceeding from a civil power) and not Church acts, seing they are done by one who is neither (as such) a Church officer nor Church-member, let be a Church-judicature.* This deserveth some consideration: Concerning the power of Princes in Synods, there are three different opinions in the Reformed Churches; some thinking that the power of deciding and defining in all matters of controversie brought before Synods, resides only in the Soveraign Magistrate, and that Church-men are to be only his Counsellers, Advisers, and by their interpretation of the mind of God, Preparers of the matter of the synodical Decree, to which the Prince by his assent gives Authority, which otherwise all their κρισις could not give to the act without his ἐπικρισις. 2. Some think, that though the Magistrate in a Synod be not the only Judge of matters treated of, yet he is a conjunct Judge with others: so Mr. *Parker* and others say. 3. Some think he is no Judge at all in a Synod, but that the delegated Members from particular Churches are the only Judges, and the Magistrate hath no more to do, but to defend them in their actings, or to execute their sentences by his coactive power on the Subjects, if he in his discretive judgement approve the same; and if not, they have a way for censuring him before his Subjects, for non-submission to their sentences: And what the consequence of that shall be, who may not conjecture?

The last of these three opinions (although most common amongst high-spirited Presbyters) we judge as injurious to the Magistrate, as any thing that Papists have taught against them. For, no Papist is so unreasonable as to say, that Princes being rational and christian creatures, should in a brutish blindness, follow all the Decrees of all Synods without examination, and strike supposed offenders with their hand and sword, where they cannot with their eyes see their guiltiness: for, at least in matters of fact, Papists do confess, that not only inferior Synods, but a general Synod and the Pope too may erre, (and therefore, as to matters of that nature, they cannot require a simple obedience, without discretion and considering matters) neither from Prince nor people; neither in these matters do they require this, albeit in matters of faith, the claim of the Pope and œcumenick Synods riseth higher, not permitting any persons (Magistrates or others) to walk by their own discretive judgement in matters wherein they think themselves perswaded the Church cannot erre in her direction or prescription,

tion. As to the second of these opinions, that giveth to the King a concomitant, joynt, judicial suffrage in the matters of the Church, together with the Synod; although he have no particular delegation from any Church, (for, what particular Church can give delegation to him, who is in his way Governor of all?) is not so far from the right: But, the first opinion seems to come nearer to the truth, neither is it indeed any derogation to Church-officers, (who are employed *actibus elicitis* about the holy things of God) for their priviledge of ministerial, doctrinal declaring of the mind of God, is fully reserved to them in all ecclesiastical Affairs, and the immediate and personal actings of all the *agenda* in the Church, is fully acknowledged to be theirs; only the Magistrat's superintending and architectonick authority, in all publick transactions in Church and State, is reserved to him; not to weaken the Church-officers, but in all things to strengthen their hands according to Gods will and pleasure. Neither doth his influence of power in the Synod, make the acts thereof meerly civil; for his power (as it is not formally and in exercise ecclesiastical, but rather about ecclesiastical things) is not civil neither, speaking accurately; for it is neither about civil things as the object, nor only by civil means doth he move toward that object; but partly by these, partly putting Church-rulers to use spiritual means which descend from the ordination of Christ. And it is not true, that the Magistrate, as a Christian Magistrate, is no Church-member or Church-officer, or Church-judge; or that he hath no decisive voice in Assemblies. How shall he punish (or enjoyn to be punished) disobedience to Church acts, if in them he be not at all a deciding Judge? And where can he be so more fitly, then in the Assembly and with the same?

4. The *Apologist* will not have the Magistrate to prescribe any matters or causes to be treated of by any Assembly, but *give them their full liberty to dispute, decide and determine anent all matters which they do account to concern Religion, without any limitation*: yea, saith he, *pag. 196. they must have liberty to dispute the Kings Prerogative*, alledged (though falsely) *to be an Usurpation upon Christs Prerogative.* But, is this illimited liberty to be granted to all Assemblies national whenever they meet? May not Magistrates convocate Synods upon the emergency of particular heresies or disorders, and take the faithful resolution of the servants of God in these, without laying open all the matters of Religion to come under dispute at the Synod? Shall Religion, and Church, and State be alwayes left in such an uncertain and variable condition, that any party in a Synod shall

have liberty to queſtion all things, formerly ſettled upon better grounds then theſe upon which they labour to unſettle them? Shall every Synod conveened have free ſcope to alter our Proteſtant Religion ſettled by ſo many Laws, and to introduce, if not Popery, yet principles of Separation and Anabaptiſme, and to diſpute down Princes Prerogatives, and cry up (as this man doth) the liberties of any minor part of the people, to combine and riſe in Arms againſt all viſible Powers in the Land, when they think they have cauſe? May not the Kings Majeſty by his power, reſtrain the fury of theſe who would *ακινητα κινειν*, or bring in novelties either againſt Religion or the peace of the civil ſtate or juſt power of the Government, albeit ſome would bring pretenſions from the Word of God, which will never be wanting to reſtleſs ſpirits, as they were not to Sathan in his diſpute againſt Chriſt. Should the King lay the reins upon the neck of every Synod, to let them ſtrike at the root of Religion (if ſuch a ſpirit move amongſt them) or at his juſt Laws or Priviledges, and ſay nothing for fear of prelimiting their liberty? Was there ever, theſe many years upward, any Aſſembly in *Scotland*, but was prelimited in all the Members of it, by ſworn engagements laid upon all the Commiſſioners? which if according to the Word of God, is diſputable. But, it is like this Remonſtrator hath gotten his leſſon from the Belgick Remonſtrants, who required that as a neceſſary condition of the conſtituent Members of a Synod, which they would allow, that all the Members of it ſhould have plenary liberty to call all the things of Religion in queſtion, and be looſed from all Confeſſions of Faith of all Churches whatſoever.

5. The *Apologiſt* denyeth liberty to the King to *diſſolve any Aſſembly or Synod*, pag. 195. he will *have them to ſit ſo long as they will, notwithſtanding of the Kings inhibition*; and ſo we ſhall have ſempiternal Synods if men will, as well as ſome aimed at ſuch Parliaments. But, it is ſtrange that Proteſtants, who give power to the Soveraign Magiſtrate to call Synods, will not allow him power of diſſolving the ſame, when he judges them to mar the work they were called to go about. As the Soveraign Magiſtrate may very lawfully drive a Miniſter from his Pulpit, if he openly teach Hereſies contrary to the eſtabliſhed Doctrine, or perturb the publick Peace by ſeditious inſtigations of the people to rebellion, and may draw him from the horns of the Altar, (which ſhould be no ſhelter for wickedneſs) So he may diſſipate a heretical or ſeditious Meeting, calling themſelves a Synod, commanding them to riſe, and uſing his coactive power upon them if they diſobey; as ſome of the antient Emperors have done

with

with Pseudo-synods. And the woful, dreadful consequences of an Assembly of this Church sitting against the command of Authority, may teach us not to imitate such an example; which as it had no warrand from Gods Word, so was testified against by Gods Providence, in a *series* of dreadful strokes upon a sinful Nation.

26. But, the *Apol. pag.* 196, 197. counts it a great and intolerable encroachment upon the Church, *that no act, matter or cause, should be treated of in the Assembly, but shall be allowed, approven and confirmed by his Majesty or his Commissioner, present in the national Synod: And that no Church-Canon should have any effect, force or validity, but what shall be approved and confirmed by him or his Commissioner*, &c. *Ans.* 1. Is it no encroachment upon the Magistrat's official and potestative care of Religion, which God allows him, as keeper of both tables of the Law, for Church-men to take on them without and against his will, to debate anent what they please in their meetings? It belongs to his Office to stop and cut off impertinencies in their debates, and not permit them to run out upon what matters they will, which prove (in the debating) either prejudicial to Religion by Law established, or pernicious to, or perturbative of the state of the Common-wealth, or peace thereof. 2. A great noise he makes here and every where, anent Synods, Church-judicatories, *&c.* their priviledges, and that they are utterly now destroyed, while they are only made a company of men conveened to give advice, as he saith: But, if they were conveened meerly for advice, they would not be conveened under the notion of a Synod, empowered to make acts, orders and ordinances, as the Act saith, such work is not for meer advisers, and their advice (if nothing more were allowed to them) might be otherwise taken by the King, then Synodically. But the King calls them to exert their official power, as Ministers of Christ, in interpreting Christs mind and teaching his Church by wholesome Canons, and redressing abuses represented to them by Christs discipline, the immediate and personal exercise whereof is committed to them; only, he claims the supervision of their acts and ordinances, giving his royal assent, and the assistance of his authority to their actings, so far as he sees them according to Gods mind; this his acting is so far from destroying the Church-judicatory, that it strengthens it much. 3. It is alledged, the fore-cited act for the Assembly saith, *No Church Canon shall have any effect, force, or validity, except it be approved and confirmed by him or his Commissioner: And challenges them who will assent to this, as men who*

have

have drunken in the opinions of Erastus *and the Arminians.* But the act for the Assembly speaks expresly of the effect, force and validity of Acts or Canons, Orders and Ordinances of the Assembly *(in Law)* by which they mean, the *municipal or civil Law*, as is the ordinary stile of Parliaments. But, if the Parliament should in their Act mean, that without the Kings consent, approbation and confirmation, no Canon or Order passed by Church-men, should be any Law at all to the Subjects, there were no heresie in it, nor any thing contrary to the Word of God; for our Protestant Divines deny, that the Church can make any Laws at all, properly so called; Yea, I may add, that neither Magistrate nor Church can make any Laws in Religion, which Christ the great Law-giver hath not already given, *One is our Law-giver* in these matters, *able to save and destroy.* Ministers are appointed Heraulds, to declare the mind of the great Law-giver in Religion, but not to make any Laws concerning Faith, Doctrine, or Worship, which Christ hath not already made; How should Heraulds and Messengers make Laws? There is but too much talking of Church-judicatories (which was not the usual stiles of such Ministerial conferences in the Church of God of old) and too much talking of Church-laws.

I know no power in the Church to make Laws concerning Religion, other then Christ, the only Law-giver hath made; Some Canonical-declarations of the truth, contained in Scripture, may be given by Ministers conveened together in a Synod, and they may give out some orders anent fit performance of Gods service: But that they should be Law-givers in the Church, being only Heraulds and Posts to Christ, to carry his mind, he being the one and alone Law-giver, *Jam.* 4. 12. who can understand? If a Physician that prescribes directions to a Patient, be unto him a Law-giver (though the directions are refusable and the Physician may be thrust away) then may the Minister also, who is much of his condition, as to obligation to retain him, or submit to his orders, if they be not Christs expresse mind, be accounted Law-giver. A legislative power amongst men, imports an *imperial and despotical power* under God toward men; and if no Minister of the Gospel can claim this (as they cannot upon any good ground) it is a wonder, how they can claim a legislative-power over the Church of God. Making of Laws flows from an Imperial-power, not from a meer Ministerial-power, such as the guides of the Church have only; *Gubernatio ecclesiastica est omnino, ἐπιτακτικὴ seu Ministerialis,* say the Professors of *Leyden, disp.* 50. 46.

politica

politica quamvis respectu Dei sit Ministerialis, tamen imperio atque authoritate est instructa.

But (saith the *Apolog.*) *although ordinances of a Church-judicatory, cannot have the strength of municipal or civil Laws, without the Kings authority, yet they may have the strength of Church Canons, whether he approve or not, as the Canons of the Synod*, Act 15. *and other Synods for the first three hundred years had; and were it otherwise, the Church should be in a hard case, when the Magistrate refused his concurrence, and in better case under Heathen, then under Christian Magistrates.* *Ans.* 1. Whatever the Church might do under Pagan persecuting Princes for her own preservation, is not (as was before said) to be made an ordinary president, when God hath brought in Princes to be her Nurse-fathers. 2. Church Canons and Acts *vi materia*, and by reason of their clear consonancy with Gods mind, and of the evidence of reason whereon they are built, may be obligatory; and even also, an obligation lies on people, to regard the faithful interpretations of Gods mind by united Pastors, because of the ordinance of God, and the calling wherewith they are invested; but the subjecting of the National-church of such or such a local bounds, to the sanction or penalties of the Canons, and concluding them who otherwise give not express consent, under the same, requires the confirmation of the architectonical power armed with impire to compell to obedience and subjection; without which, all Canonical-declarations, would prove ineffectual to conclude these who are unwilling to submit externally. 3. It is an ungrate misprision of the mercy of having a Christian Magistrate, to say, that if he deny his concurrence to Church-acts, the Churches case were better under the Pagan, then the Christian Magistrate: for, supposing the Magistrate to be a Christian Magistrate, he will not deny his concurrence to such Church-acts, as are necessary for the profession of Christianity: And though in some inferior matters, he might not see clearness to give way to some ordinances of Church-men, or to permit his Subjects to come under censures that import publick infamy upon them, he not being satisfied anent the grounds of a just procedure used by Church-men, or being clear that they swerve from truth and reason; yet, that he is still Nurse-father of the Church, cherisheth the publick profession of all necessary Christian truths, maintains and provides for the Ministery, countenances and defends, the sincere publick Worship of God, is not so to be undervalued that the Churches state under him is to be accounted worse then under Pagans or persecutors, if

every

every decree and order which Ministers think good, may not be allowed to be binding upon his Subjects (he being thereanent dissatisfied) to involve them in censures, importing publick defamations ; he may put order to such things, as he will answer to God, and doth nothing, but what beseems the Churches Nurse-father.

But to hasten, it is a continual mistake, which all alongs this man hath, that if power be given *to the Magistrate to confirm Synodical Acts (without which, they should not have force) then all the acts of the Synod, should be the Magistrat's proper civil acts, as flowing natively from him and his power, they are his acts and not Church-mens, who are only there to counsel and advise him.* But, *Ans.* As they are his, so they are theirs too, for they do ministerially emit them : It is true, they do advise him, but it is as true, that by their official-power, they do declare what is, and what is not agreeable to the mind of God, or behovefull for his service : Neither are the acts civil acts, although proceeding jointly from his authority and theirs (so far as they may act as Ministers) they are not past in a civil meeting, nor are in civil matters, nor backed (in that meeting) with civil sanctions, nor have they a meer civil end, nor is the efficient of the acts (either looking to the King, or other parts of the Synod) in such actings a civil meeting.

The King or Soveraign Magistrate is no meerly civil power, but is the *architectonick power*, having power of inspection of all things for his peoples good, civil and spiritual, and power to appoint what is for all their good (albeit his power in civil things is far larger then in things of the Church, there being determinations of the most weighty of these, and of all substantials given by Christ) the Soveraign Magistrat's power is neither formally civil, nor formally ecclesiastical, but architectonick, and is employed about things ecclesiastical and civil too ; although toward civil things the power operates intrinsically and formally, in publick administrations at least ; for, there is none of these that even as to exercise, are without the sphere of the supreme Magistrat's activity, if there be no defect of particular endowments, or if the matters be not beneath the dignity of his place, or if no particular inhibition be on him as to such acts by divine Law, as was said. But as to ecclesiastick things, the architectonick power no way extends it self to acts and administrations belonging to the power of order, as preaching the Word, ministring Sacraments, *&c.* but only extrinsically and objectively, putting Ministers to do their duties in these, or punishing (not by Church-censures, but civil) their maleversation in their duty.

duty : But there are Church-affairs, the acting wherein doth not belong to the power of order, wherein though sometimes Ministers may act according to their intrinsical power, yet the Magistrate may act also formally as well as objectively, whether conjunctly with Ministers or separately, in case of great corruption on their part ; as visitation of Churches, convocation of Synods (not only the Church delegating the constituent members, but himself particularly citing and designing the persons) prescribing Rules and Laws for publick profession of Religion, according to the clear Word of God, ordering the external things of the Church belonging to order and decency, and such circumstantial things, as Christs Law hath not determined ; looking to the general rules of the Word, he may command Ministers to do such things, may directly concur with them in doing the same, and do without them, if they be deficient in their duty, (although it were sinful, so long as they are justly presumed to act and to carry fairly, to neglect their advice, which by reason of their calling and exercise about spiritual things, they are best able to give) visiting of Churches, and trying Ministers doing their duties and diligence, *&c.* is no such purely spiritual matter, competent only to Pastors but may be also well competent to him or his delegates ; convocating Synods is no such Ministerial act, but it is willingly yielded by all protestants to Magistrates. Prescribing rules of Faith and profession of it, according to Gods Word, is not so proper to Ministers, but there are cases when it is yielded to the Magistrate, to act formally and directly in this, as in some extraordinary cases of great corruption in the Church, and in the case of heresies and abuses manifestly repugnant to Gods Word (and their authority abides invariably the same in other cases) ordering of the service of God and divine administrations, in a way best suting decency, order, edification, and according to the general rules of the holy Scripture, without any derogation from Christs institution in the substance of it, neither adding a new Worship, nor altering any thing of the worship and order Christ hath appointed, nor taking away any thing from it. These and some other matters ecclesiastical may be dealt in by the architectonical power, in a direct way without transgression of any order of Christ : And the common saying, *Rex est persona mixta*, may have a tolerable exposition, without injury to Christ, or any of his Ordinances or Officers appointed by him, for personal administration of things belonging to the order of the spiritual ministery. And it cannot but seem a right strange thing to us, that, while men will exclude the Magistrate from his protesta-

tive care and charge of ecclesiastical affairs, and not allow him so much as a suffrage in Synods, (notwithstanding of his being the Churches Nurse-father) yet they will admit of numbers of meer lay-men (double the number to the Ministers as the course was laid) to decide and determine not only anent matters of fact and discipline to be used against offenders, but of matters of Faith and interpretation of holy Scripture, by Canon making: And yet are these men (though termed Elders of the Church) *Prophets, to whom the spirits of prophets should be subject?* are they Priests, *from whose mouth the Law should be sought, and whose lips should keep knowledge? should they who are not by calling, concional teachers, be Synodical teachers?* and not only have equal power, with Ministerial teachers, (which is pleaded for amongst us) but more power, in regard of their equal or greater number twice over, as was ordained by the Acts for Presbytery in *England*, whose example our Church-elders were like to follow quickly: There seemeth to be in this some iniquity in dealing against the Christian Magistrate, to plead against his suffrage, as to making Canons, concerning Faith or Worship in Synods upon grounds that he hath not the pastoral teaching power, and yet, to admit the suffrages of the lay-elder (even to the over-voting of Ministers of the Gospel) who cannot shew half so much right in any part of the Church-government, as the Magistrate, the Nurse-father of the Church can do.

27. But that this tedious pursuit of the *Apologist* in this matter may at last end, he hath yet four or five particulars to add, for compleating his nineteen considerations; so luxuriant is his fancy, or else so sophistical, that often he maketh one thing to appear to be two or three, injudiciously cutting asunder connexed purposes, but it concerned him in a weak cause, to make a muster of all tag and rag, under shew of reason to amuse the people; whereas an argument or two well prosecuted, could have comprehended sufficiently the whole marrow of the matter. Yet, he must be followed, least any thing not touched should be triumphed in, as not answered.

1. He tells us, that whoever acknowledgeth the Kings Supremacy, *p.* 89. that they behoved *to acknowledge, that the Church in the Apostles times and some centuries after, was very imperfect in its constitution, wanting this Supreme Governor, or else that* Nero *and* Caligula, *and the like persecutors were Church-governors, and would have been acknowledged as such by the* Apostles; *nothing whereof can with shew of reason be affirmed. Ans.* Albeit the Church in the Apostles times, and after in times of persecution, was perfect in its internal constitution,

ſtitution, and for all acts neceſſary to be elicite by her and her officers, for the good of Souls in that condition of the times, yet that the Church then wanted ſome of that good condition (call it perfection or not) which her Lord intended to her, by bringing in the powers of the World to be her Nurſe-fathers, according to his promiſe, it cannot be denyed nor will this man deny, that the Church then, was the worſe by wanting them, unleſſe he abſurdly think, we are no better by having them: Certainly any addition of good to the Church is a degree of her perfection (albeit before ſhe might be eſſentially perfect, at leaſt in all her officers and adminiſtration of ordinances within the Church, perfect as to her then eſtate) who will affirm, that the Church is in no better condition by getting in her Nurſe-fathers, deſigned her of God, then ſhe was before? and it is hoped, a degree of better condition then formerly will be judged ſome meaſure of more perfection.

2. *Nero*, *Caligula*, and the like, during their ignorance and infidelity and graceleſneſs, were through their own fault under ſuſpenſion of the exerciſe of their governing power toward Gods Church, which they had *de jure*; and we doubt not, but the Apoſtles, *Paul* and *Peter*, both calling them Supreme-powers, without limitation to perſons or cauſes, acknowledged alſo what power they had toward the Church alſo under them; and if they ſhould come to have grace to uſe it, would never have denyed the actual exerciſe of the Magiſtratical power in the matters of God, as far as we concede the ſame. Next he ſaith, *pag.* 198. *That whoever takes the Oath of Supremacy, or acknowledgeth his Majeſties Supremacy, as to things eccleſiaſtick, muſt ſay, that the Apoſtles and primitive Church walked not regularly, becauſe they derived no power from the Magiſtrate, who then was, in governing the Church; and ſo ſay, that neceſſity put them to this, (becauſe the Magiſtrate was then paganiſh) is alledged to be a poor defence, to rob the Magiſtrate of his power, or elſe it muſt be ſaid, it is a priviledge only of the Chriſtian Magiſtrate to have this Supremacy, and ſo not a right annexed to the Crown.* *Anſ.* The Apoſtles and primitive Church walked regularly doing theſe things, in the Government of the Church, for her propagation, preſervation and purgation, which they had warrand from Chriſt to do, either by extraordinary or ordinary commiſſion, although they wanted the help of the Churches Nurſe-fathers for the time; but had they been brought in, they would have attributed to them as much as we do, and the Church did give them as much as we do, when Gods time of giving their promiſed help came: As for

what he talks of derivation of all Church-power from the Magistrate, it is a calumny when this opinion is imputed to us, albeit we ascribe much to him in the regulation thereof, and supervision according to Christs mind, as before hath been said. Neither (as he saith) did that primitive Church rob the Magistrate out of necessity; it was no robbery to use what intrinsical power she had from Christ, without dependance on these whose own fault put them in an incapacity of exercising the superintendency Christ allowed them. This man saith, that extraordinary necessities make many things, even in civils, lawful for a people; which he will not have to be robberies of the Magistrat's power, nor yet to be used ordinarily: but of this before. The Pagan Magistrates then had right to do all in Church matters, the exercise whereof we do allow to Christian Magistrates, the suspension of the exercise of their power being taken off by the grace of God.

As to the argument he subjoyns, *that this supreme Government in Church-affairs, agreeth neither to the Magistrate as a Christian (for so all Christians should have it) nor to the Magistrate as a Magistrate (for so all Magistrates should have it) therefore it agreeth not to them as Christian Magistrates*: It is very false and sophistical reasoning. For, 1. thus he might prove that the Christian Magistrate is no Nurse-father of the Church, because he is not so as a Christian (for then all Christians should be Nurse-fathers of the Church) nor as a Magistrate, (for so all Magistrates, even Pagans, should be such) therefore it agreeth not to him to be Nurse-father as a Christian Magistrate. It is also like this reasoning, *Peter* is not a man as he hath a soul only, nor is a man as he hath a body only; *Ergo*, he is no man as he hath a soul and body conjoyned. It is fallacious reasoning negatively from such divided reduplicative propositions, to infer a negative conjunct proposition. 2. If we speak of the active exercise or proxime power of exercising this Supremacy, the Magistrate neither hath it as a Christian only, nor as a Magistrate only, but jointly as both; his Christianity makes him capable in his vocation to serve God, and is presupposed to his actual Supremacy and the exercise of it, as to Church-matters, and his magistratical Power joined with Christianity, puts him in full capacity of acting his Supremacy as to Church-matters; his actual exercise of the power is founded upon his special vocation as a Magistrate, joined with his common vocation as a Christian. As for *Voetius*, saying, that *duo subjecta & principia formalia, non possunt*, &c. that two subjects and two formal principles, which are not one nor united *per se*, cannot be the ground of a formal effect that is one *per se*;

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it holds not, where there is a subordination of the one principle to the other, to qualifie for the exercise of the act or producing the effect. As to that he saith, if one man be both a Consul and a Father, he cannot be said to have consular power over the Citizens as *Consul-pater*, nor fatherly power over his son as *Pater-consul*; that is true, but comes not up to this case; for, fatherly power is neither subservient to consular, to qualifie for the acts thereof, nor is consular Power subordinate to the fatherly, to qualifie for the acts thereof. But, in our case we say, Christianity serves to qualifie the Magistrate for exercise of his Supremacy, as to Church-affairs, the foundation of the power lying in his magistratical Office; and so he may be very well said to act, and produce the effect of his power, neither as a Christian only, nor Magistrate only, but as a Christian Magistrate.

28. But, the *Apolog.* further addeth, *pag.* 199. that by granting the King this Supremacy, a door is opened *to the utter destruction and overthrow of all Church-judicatories*: *For* (saith he) *by their judgement who tender the Oath, the King is the fountain of all Church-power, and whoever executeth any of it, executeth it as his Commissioner, and he may imploy whom he will in these matters,* (*perhaps no Church-officers at all, but meer civil men*) *and so handle all Church-matters in civil Courts*; *and* (he saith) *that the King doth indeed give civil persons, who are no Church-officers, Commission to depose, excommunicate, &c.* *Anf.* 1. It is false that it is the judgement of these who tender the Oath, that the King is the fountain of all Church-power, and that all who execute it do it as his Commissioners. Who of us have said so, as he alledgeth? Nay, is it not ingenuously confessed by all who rightly understand the matter, that whatever power of regulation and supervision of persons in acting Church-power, the King hath (and cannot be denyed to him) yet, he is not the fountain of any Church-power from whom it is derived? Who will say, that power of Preaching, ministring Sacraments, *&c.* excommunicating offenders, absolving the penitent, ordaining or degrading Ministers, *&c.* are derived from the King as the fountain? or that these who do such things, do them by vertue of Commission from him according to the substance of the acts, albeit he may so dispose of Ministers, as to commit to them a power to do these things which Christ warrands them to do, in application to such or such parts of his Kingdom; as a Physician, who hath not his Doctorat, or faculty from the King, may be commissionate by him to exercise himself in such or such part of the Kingdom, where diseases of which he hath special skill do

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most abound? 2. That the Act of the High Commission (as he calls it) *giveth civil persons who are no Church-officers, power to depose Ministers or excommunicate offenders, is untrue*: read the Act, there is no mention of excommunication; neither is power given them *to depose Ministers*, but to *appoint them to be deposed*, viz. by such as that power is competent to, who are to be answerable to the Magistrate for their neglect in doing what Law injoins them. 3. As *for the door opened* (as he saith) *for destruction of all Church-judicatories by the Kings Supremacy* (if it be acknowledged) *and for transacting all Church-matters by civil men*; It doth not at all follow upon his Supremacy, that he should destroy all Church-judicatories, and transfer Church-causes to civil Courts; more then it doth follow upon his Supremacy, that he may make use of any civil men, not ordained according to the rules of Christ, to Preach or minister Sacraments, setting aside all these ordained by the Church; the Kings Supremacy, as to Church-matters, gives him not power to do what he will in them, but to regulate them according to the mind of Christ, and preserving the essential œconomy and government of his House entire. Neither doubt we, but the supreme Magistrate should sin highly against Christ, if in Church-matters he should not make use of the Office-bearers of Christs house, to act according to their callings, whether severally or jointly, in ordinary or extraordinary Meetings (as there is cause) unless extreme and general corruption did necessitate some extraordinary courses to be taken by him, which even themselves allow. The King is not at liberty to do any thing in Christs affairs against his mind; such as is the laying aside all Church-officers and Judicatures, and transferring the managing of all Church-affairs to civil men or civil Courts.

As to what he addeth next, *p.* 199. that they who acknowledge this Supremacy as to Church-affairs, must grant *power to the King to erect new Courts, having no warrand in the Word, and which were not in the times of the Apostles or primitive times* (*as the high or grand Commission*, as he calleth it) *wherein civil persons meddle with Church-censures, and Church persons with civil matters and censures, and that to yield to this, were to condemn the Apostles for not leaving patterns of such Courts, and to destroy all Church-power.* And he asserts, Presbyterians maintain, *that no Judicature is to be acknowledged as a Court of Christ, that hath not Christs warrand.* *Ans.* 1. No judicious Presbyterian will deny power to Princes to appoint Courts, for executing their own civil Laws touching ecclesiastical matters; neither is that Commission (which he sets out to be so high

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and grand) any other than a civil Court set up, for the ease of other Courts, to expedite the execution of Laws touching matters ecclesiastical: nor needs there any particular warrand to be given to Magistrates in Christs Word for such Courts, seing it is no Church Court (albeit erected for execution of civil Laws about Church matters) And though some Church-men be assumed to assist in it, it is not therefore a Church Court (the lawfulness of their assistance to the Prince upon his demand, may be cleared elsewhere) nor do civil men therein execute Church-censures, but appoint them to be executed (by these to whom it is competent so to do) according to the Laws. It was not the calling of the Apostles to leave patterns of civil Judicatories conversant about Church-affairs, in order to civil punishment; no wonder they nor the primitive Church (wanting Christian Magistrates) left no pattern of such Judicatories; but that restrains not the Christian Magistrate, now when Church and Common-wealth hath coalesced into one body, to take such prudential wayes of executing his own Laws as he seeth fit: Yea, are there not several Church Courts which Presbyterians use rather from prudence then divine institution, example whereof the Apostles did not leave behind them? Where did they leave the pattern of Commission of a Church in a Nation, to watch over all in intervals of Assemblies? Or, where did they leave a pattern of a national Church or a national set Assembly?

Finally, the *Apolog. pag.* 199, 200. shuts up all his weak reasonings against the Kings Supremacy in matters ecclesiastick, with this, that yielding this Supremacy will infer *the lawfulness of appealing from a Church-judicatory to the Magistrate, Which he thinks very absurd, contrary to the mind of our Assemblies and without approved example. Ans.* There is indeed a great business made about appeals from Church-assemblies to the supreme Magistrate: it is acknowledged lawful to *decline* them when they meddle with things impertinent for them; and lawful to *complain* upon them to the Soveraign Magistrate, when the plaintif accounts their sentences grievous or unjust. But, it is denyed that any formal appeal can be made from the highest Church-judicatory (which is said to have the supreme jurisdiction ecclesiastical) unto the Magistrate; for, all appellations must be from the inferiour to the superior in the same kind, as they say: and a general Assembly in a Nation, having none superior to it in the same kind, cannot be appealed from to the Magistrate (whatever complaint may be made to him by sufferers unjustly) yet he cannot (as their Assemblies superior) judge the justness of the complaint, but only may command the same to be

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resumed and re-examined again of new, that he may be satisfied anent the equity of their proceedings: But by no means must he by himself or his delegates, take on him to recognosce the sentence, farlesse to repeal it, it must stand in force till they repeal it themselves, because they are supreme in their own way, aswell as he is in his; and he must not take a judicial cognisance of their sentences ecclesiastical, more then they may of his civil sentences; nay, *in ordine ad spiritualia*, and *sub ratione scandali* much more medling with Princes affairs is arrogated by Church-men, then they will permit to him in their affairs *in ordine ad temporalia*, and for preserving publick peace.

But as to this matter, it is not much to be regarded, whether the application of a person injured by a Synod, made to the Magistrate, be called a *complaint* or an *appellation*, if power be left to the Supreme Magistrate to provide against the injury, and to right the innocent person, which he cannot do (in case Church-men will be obstinate in their partiality or will not resume and re-examine the matter, or doing so, will not mend it) unlesse he recognosce the matter judicially, by himself or his delegates; his Supreme power of superintendency over the Church, leads him to take cognition of complaints against Assemblies, made to him by such as may be wronged by partial heady courses. 2. It is not (if we will believe that grave Divine *Pareus*, *Rom.* 13. *pag.* 346.) unfit even to appeal to the Magistrate, from the Assembly; for he denys, that *potestas architectonica & ecclesiastica externa, differunt toto genere, they are* (saith he) *subordinate, and the appeal is from the inferior to the superior in the same kind* (*at least virtually and eminently*) nothing is more required to an appeal, then that the Judge or Judicatory, to which the appeal is made, comprehend in the capacity of its object the matters in which the appeal is made, and have a jurisdiction concerning them: But it is not required, that the Judicatory to which the appeal is made, be formally and wholly of the same kind that the Judicatory is, from which the appeal is made. The Soveraign Magistrate is neither formally the civil Magistrate (*a title that hath given some ground of mistakes*) nor the ecclesiastick power, as to all the formal and proper acts of it, but having an *architectonick power*, supervisionary to both, appeals may ly to him in either sort of matters and he is bound to give relief to his oppressed subjects either way: As when a great Prince commits to an Architector or Master of work, the building of a fair palace to him, diverse sorts of men, Barrow-men, Masons, Sklaiters

Sklaiters, Wrights are all imployed about the work; the Master-of-work doth none of all their works, Yet he looketh to the right ordering of all, that they may contribute together for erecting the stately palace; and if controversie fall out amongst any sort of the work-men, they may appeal to the Master-of-work, and he may put order to their differences, and decide therein, that the upgoing of the building may not be hindred by their debates: and it were strange if they would have none of his decision, but Barrow-men, &c. would only appeal to men of their own particular occupation in differences amongst them. So the Magistrates of a Town, although they be not tradesmen; yet in the case of notour and palpable injuries done by one tradesman to another, may be appealed to by the wronged party, and they may interpose in the matter, as having power eminently for ordering affairs in that Town from the King. It is granted indeed, the Magistrate cannot judicially absolve such as are by the Church excommunicated, nor take off the censure they have laid on. But, 1. he may upon complaint stop the proceeding till he examine it. 2. Finding matters carried partially and with private affections, he may take the cause out of the hands of these Judges, and transfer the same to another Meeting of the Church, if they will not consider better of their own proceeding. 3. He may declare unjust sentences of the Church null, as to all civill effects. 4. He may punish or remove from their stations the abusers of Discipline. 5. Where great corruption prevails, he may in the case of palpable noture injury, declare an unjust sentence of Church-men, to have been null *ab initio*; and to declare, that it is to be held as unpronounced, till the justice of it be cleared, especially if he adjoyn to himself the founder part of the Ministery, or the Officers of the Church, or in defect of these, the founder members of the essential Church; however, he must do his duty, *in chasing away all evil with his eyes, Prov.* 20. 8. and in relieving the oppressed, neither will it be any excuse to him before God, that Church-men (whose tyranny he was bound to repress) did it and he could no way mend it, seing he hath calling to punish the violent doers of irregular acts; And to set his oppressed Subjects in their right, whoever oppresse them and deal injuriously with them, be they Church-men or be they others. As for examples of such appellations, which the *Apolog.* calls for, it is unreasonable to demand examples of every thing that is lawful, many things are lawful to be done, whereof there are no examples, (when there was no occasion of such actions) As to *Pauls* appellation to *Cesar*, *Acts* 25. 11. We know, there are considerable Theologues

(as *Sibbrandus*, *Lubertus apud Vedel. pag.* 76. Saying, that men oppressed by the Church, may have relief, *provocatione a Synodo ad Magistratum*) who cites to this purpose, *Acts* 25. 11. and thinks, that *Pauls* practice may justifie this appellation (though others are of another mind) But that instance of *Pauls* practice, is not so easily put off as they imagine; for certain it is, *Paul* was first permitted to be judged by the high Priest and Council of the Jews, the chief Captain presenting him to them, after the uproar, *Act.* 22. 30. *Act.* 23. 1, 2. he was presented to be tryed before their Council, which Presbyterians will say, was only ecclesiastical at that time, his accusations *were about questions of their Law*, as the chief Captain saith, *vers.* 19. matters of Religion he was challenged of, *and that he was a ring-leader of the Sect of the* Nazarets, *a profaner of the Temple, whom the Council or Church-Sanhedrim* (as is thought it was) *went about to judge according to their Law*, as the Orator *Tertullus* saith, *chap.* 24. 5, 6. Now when *Festus*, *Act.* 25. came to the civil Government after *Felix*, the high Priest and chief of the Jews, informed him against *Paul*, *vers.* 2. and urged their former purpose, to have him brought to *Jerusalem* to be judged by them, which made *Festus* propose this to *Paul*, (being willing to do the Jews a pleasure) if he would go up to *Jerusalem*, to be judged of these things, whereof he was accused before him (he saith not *by him*, but *before him*) because the Romans having permitted to the Jews an *αυτονομια*, or liberty of their own Religion and Ecclesiastical orders, are thought to have permitted them also judicatories about these matters, albeit under their own inspection. Now, *vers.* 11. *Paul* fearing least the Governor (set to please the Jews) might remit him to the judgement of the high Priest and Council at *Jerusalem*, who had been not long before his accusants at *Cesarea*; and fearing, that his lot amongst such partial men, might prove to be what was *Stephens*, he saith, *I stand at Cesars judgement seat, where I ought to be judged: No man may deliver me to them, I appeal to Cesar*, *vers.* 10. 11. Wherein two things may be marked, 1. That though the challenges against him, were mostly (if not only) concerning Religion, yet he asserts, that as to these, he ought to be judged at *Cesars* judgement seat, and not be remitted to the ecclesiastical Sinedry of the Jews. 2. That his appeal to *Cesar* is not only from *Festus* (if he should offer to give him up to the Jews) but from all power which the Jews at *Jerusalem*, who were claiming him there to be judged by their Church-judicatory or Sanhedrim, might use over him in any capacity. He had come to *Cesars* judgement,

judgement, was content there to be judged in matters of Religion, if *Festus* would injuriously remit him to the Priests and Council at *Jerusalem*, he appeals to *Cesars* personal judgement, both from him and them, or to any he might at *Rome* appoint cognitors of the cause. Neither hath it weight to say, this appellation was in matters of life and death; it was so indeed consequentially, but it was as to Church-matters directly; and yet he might have been found by Church Judges to have done against the Law, and for all that, civil Judges, the Romans could have delivered him from death, as the chief Captain writes, *ch.* 23. 24. *There is nothing laid to his charge worthy of death or bands.* So that in causes directly ecclesiastical, *Paul* appeals from the Judicatory of the Jews, aswell as from *Festus* unto *Cæsar*.

29. Thus have we laboured to vindicate the Magistrat's just Authority (as to matters ecclesiastical) against this invader of the same. If any will say that too much is granted to the King, that Religion and the Acts thereof is exposed to his pleasure, that he is flattered or puft up with words exalting his power above measure (such is the ordinary language of factious persons) or that the Church is debased or depressed, and rendred slaves to the King in the matters of God, *&c.* we shall say these are not words of truth, but of passion: we do not subject Christs Religion to man that shall die and return to his dust, nor to mans pleasure and arbitrement. If any powers above us should (which God avert, and we ought not to surmise it of them without ground) attempt change of our true Religion, by Gods mercy established amongst us, and ratifyed in Par. 1. K. *James 6.* Though we will not say, that we are so stout-hearted as some bellicose Brethren, to raise tumults or raze the foundations of the publick Peace, and constitution of the Common-wealth and regiment thereof; yet, would we resolve in the strength of Christs grace, *to resist unto blood, striving against sin and to death*, and in dying seal all the Truths of the Protestant Religion with our blood. Odious and false imputations are laid upon us, as if in acknowledging the Kings Supremacy as to ecclesiastical Affairs, we were erecting a new Papacy in his person; and sometimes we are accused of Popery, sometimes of Erastianism and Arminianism. But, they who say so do indeed approach nearer to the Papists in wronging the King, then we do to the Erastian or Arminian: they plead the cause against Christian Princes which *Bellarmine*, *Stapleton* and other Jesuites do, and almost with the very same arguments; and cannot wash their hands of Popery in this point, the only difference between them and Papists herein being, that what right the Papists take

from the King, they give it to their own Bishops (especially their chief Bishop, whom they judge infallible) but these with whom we have to do, robbing the King of his right, will take it to themselves without any pretence of infallibility in using it. We do neither with the Erastian and Arminian, make the supreme Magistrate the fountain of Church-power, as if it were wholly derived from him, or as if Church-men did act nothing in the exterior administration of divine ordinances of Worship or Government ecclesiastical, but by Commission from him, as to the substance of their work. Nor do we, with the Papist, make the King a meer defender of the Church and executor of her pleasure; we give not to the supreme Magistrate the pastoral power of Preaching, ministring Sacraments, exercising Discipline, ordaining or degrading Ministers; such power is neither in him, nor derived from him. We give him not power to coin new forms of Worship out of his own heart (not according to Gods mind) nor to prescribe new Doctrines to be believed or professed, nor to injoin any thing to be believed or professed, or to be practised as Worship to God, which God hath not prescribed; nor to do any thing against the Word of God, either as to Faith, Worship or Government. The power we allow him is to convocate Synods of such, as by their gifts and office are fittest to search and declare Gods mind anent Gods matters, to make Laws and Canons by their consent, which may bind his Subjects by his and their Authority, to bring Ministers and others to an account, if they transgresse his Laws made anent the Ordinances of God; to coerce injurious abuses of Discipline by Church-officers, and reduce them to their duties; to appoint visitors of Churches and of Ministers, to try their faithfulness, diligence and the right managing of Gods Ordinances, to put all by his Authority to do their duties, to procure the decent and orderly performance of divine Worship and Government ecclesiastical, according to the general rules of the Word. In all which we judge it is his duty to take alongs the counsel and faithful direction of Synods and ministerial Meetings, if the Church be in any tolerable good estate; otherwise on all hands it is agreed, he may do much without them, and is not to cease from his duty in taking care of the Church, though others do forget theirs. *And it is observable*, that for all the high clamours of giving too much to the King, as to ecclesiastick Affairs; yet, we grant no more to him, while he is about the conservation of Religion and the Church, then they themselves ordinarily grant him in the purgation of the Church, when it is in the degenerated and unsettled condition, in that case they do with both hands yield to him

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what we plead to be his ordinary due. Let him convocate Synods, appoint Cognitors of ecclesiastick causes, delegate Visitors of Churches, repress or redress enormities in the actings of Church-men, drive away by his sword grievous wolves that devour and destroy the flock, relieve the innocently oppressed by Church-men, imperially decree the profession of the undoubted Truth of God and the practice of his sound Worship, give order for the unity, comliness and decency of the Church and of all Church-administrations, according to the general rules of the Word and the like; and in all this, he is not judged by them to usurp Christs Crown or Throne. But, when his power hath set the Ministers in the Saddle, and brought the Church to any settled constitution in it self, if the Magistrate shall take on him to do any such thing, then they clamour infinitely that he usurps Christs Throne, Crown, and Scepter; and will they (think ye) send away these ensigns of Honour and Royalty to Christ himself? No; but all these, Crown, and Scepter, and Throne of Christ (as they love to speak) which they pluck from the King, they arrogate to themselves, and seat themselves under this cloak in an uncontroulable Soveraignty under Christ (which they mince with the name of Ministry) Now this way, as it looks too carnal and selfie-like; So it hath in it much injury to the Magistrate, who in point of conservation of Religion, is devested of that power which is acknowledged to be due unto him, in point of Purgation and Reformation; nor can we see that any thing can be done by the Magistrate, by vertue of his magistratical Power, in the one case (which is not ordinary) more then in the other which is ordinary: In the unusual case, he had no properly extraordinary power, but only acted his ordinary magistratical Power, according to a singular occasion, and in the progress of the conservation of Religion, he retains that same ordinary power, yet still with the consent of the sound Ministery of the Church, Synods and Convocations thereof, which he cannot neglect without much sin. It is folly to feign any extraordinariness of a Call, which the Magistrate may be supposed to have in the one case more then in the other. By this way of yielding these and such things to the supreme Magistrate, we neither deprive the Pastors of the Church of all ecclesiastical Jurisdiction, attributing (as some do) the universal right thereof to the Magistrate. Nor do we exempt Ministers and Church-officers in the exercise of Church-government, from being under the *potestative care and superintendency of the Magistrate*, who hath a governing power over *Ecclesiasticks* aswell as others, and is answerable to God for the souls of people

people under him, and for the right administration of his Ordinances, aswell as Ministers in their way are; for, *he is the Minister of God for our good*, without limitation to civil good. And it were greatly to be wished, that all might know the due limits and bounds of their own callings, and that Magistrates might have as little cause to complain of Church-mens invading their rights, as Church-men have to complain of the Magistrates invading of their rights, while they claim that supreme inspection over the Church in their Dominions, which Gods Law alloweth unto them. There may be excesses and faults on both sides, which are to be guarded against.

CHAP. III.

Concerning the obligation of the Covenants against Episcopacy and for Presbytery; and that the Owners of the re-established order of Episcopacy, are falsely and unjustly charged with perjury.

THe great accusation against King, Parliament, People and all sorts of Persons in the Land, insisted upon by this *Libeller* and the *Apologist*, is, that all are fallen under the guilt of perjury and Covenant-breaking with God, by owning this Government of Episcopacy. This is the great argument for moving and commoving the people, who search not into the grounds of things: And verily, *perjury* is such a guiltiness, that could it be as easily proved, as it is confidently in this case asserted, it could not but move Christian hearts, and such in whom remains any fear of God, to consider their wayes, and quickly to desert such a course as involves them in such guiltiness against God, and danger of his dreadful wrath. But, it is hoped, that men who are rational will not think, that the not performing every vow or promissory Oath is *perjury*; there may be much piety in not keeping of some vows and oaths, and much impiety and wickedness in keeping other vows and promissory oaths. David, *the man according to Gods heart*, was no perjured man for not keeping the oath which he had made, that he would destroy *Nabals* family, 1 *Sam.* 25. 22. 32. 33. it was great piety to break that oath. *Luther* broke his oath and vow of a single and continent life; so also did others of our Reformers (although the matter vowed and sworn was in it self lawful) and yet, who but Papists will accuse them of perjury? *Herod, Matth.*

Matth. 14. 7. keeped his vow and his oath, but he was more impious in keeping it, then in making it. And these men who did conjure themselves to kill *Paul*, *Act.* 23. 21. had not been perjured in renouncing that oath, or in not doing what they were sworn unto. 1. It is a certain thing, that a promissory oath or vow concerning a thing unlawful, hath no binding force, and cannot be kept without doubling the sin; a sin it was to make it, and a greater sin to keep it when it is made; such an oath obliegeth to nothing but to repentance for making it. 2. It is also certain, that though the matter of a vow or oath be in it self lawful, (as a single life is) yet, the vow or oath is not obligatory, if it be intended to be perpetual, because respect to the gifts of God and his calling must over-rule the keeping of such a vow, as at first such a supposition should have been included in the vow, and not an absolute obligation taken on. A vow not oblieging may be either in that which is *malum* materially evil, or may be *de bono malè*. The matter of it may be good, yet it is not well made; the matter may be good in it self, and yet not good to us (it not being within the compass of our calling) As if a private man should swear to put a murtherer to death, it is good he should be put to death, but not by a private hand, but by the hand of the Magistrate. Or, the matter may be good or not evil in it self to do, but of indifferent nature; yet, the vowing to do it on my part, who have no gifts or calling for such work, or for whom it is not expedient to do it, or who have no strength or ability for it, is a vowing *de bono* or *indifferenti malè*, and the obligation of such a vow is null. 3. It is also certain, that a promissory oath which was lawfully made, may *cease to obliege*, it being loosed by a Superior, under whose power the thing sworn to, is; or if it become impossible (*de facto*) to be performed, or if the performance prove impeditive of a greater good to which we were pre-oblieged, or if the state of matters so alter, that the performance of the vow comes to be sinful.

True it is, an assertory Oath concerning things present or past, the matter of the Oath having past into a necessity and become immutable, there can be no cessation of the obligation of such an Oath, nor can there be any defence against perjury, (if the Oath hath not been according to the matter as it is) for either that is asserted under Oath, which is agreeable to the truth of the matter, and so it is a true Oath, and *eternally* must stand true; or else that which agreeth not to the truth of the matter, and so it is perjury *eternally*: But in a promissory Oath, , nothing is required more of the man that promiseth under an

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Oath, Then that, 1. he have a sincere purpose before God, to perform what he promiseth under Oath. 2. That he do perform what he hath sworn, *cessante legitima causa non præstandi*, or where there is not a lawful cause lying in his way, impeding him to perform what he hath promised (as some times undoubtedly there is) as Physical impossibility of doing what was promised, or moral impossibility (resulting though not foreseen) and a necessity of breaking some moral command of God, for keeping the Oath anent matters in their nature indifferent, or the inhibition of a Superior, under whose power the matter of the Oath is so, that it cannot be kept without injury to him, or the impeditiveness of some greater good whereto we are formerly preoblieged.

2. But to come closer to the matter; A heavy charge is laid against all, who own the present Church-government, as if they were perjured, and had broken Covenant with God in that point. And great clamours are raised about this; But unless the clamourers can prove, that the *moderate Episcopacy* established in governing this Church, with consent and concurrence of Presbyters, is contrary to the Word of God, or that the Presbyterian parity of Ministers and Elders in governing the Church, is the only commanded form of Church Government, they will never be able to fasten the guilt of perjury upon the owners of Episcopacy; if they could prove the *former* (anent which this Libeller and the Apologist attempts somewhat, but we shall afterward have occasion to discover their weakness) they might say much as to the *latter*; nor indeed, can any thing effectually prove the latter, without full evidence of the former; which cannot in haste be given.

3. As to the Covenants, we say. 1. If it be found, that the established Episcopacy of *Scotland* is not abjured in either the National or Solemn League and Covenant, there can be no perjury in owning the same. 2. Granting that the established Episcopacy, were in either or both of the Covenants abjured; yet the owning of it, will not infer the guiltines of perjury, if either Episcopacy be shewed to be the *only lawful and necessary Government of the Church of Christ*, according to his Word; or if it be evidenced *not to be unlawful*, but a matter belonging to the Church of God, according to her Christian liberty, to order and appoint as she seeth cause; or a matter under the power of the Christian Magistrate, to dispose of, as part of the alterable *œconomie* of the Church, as he with advice of Gods Church seeth convenient. This is sure, there can be no perjury in not keeping

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an unlawful Covenant; and if it be evidenced, that Episcopacy is the necessary and perpetual Government of the Church by Apostolical institution, the Covenants and Oaths abjuring the same, cannot be (in so far) lawful, or if (at least) it can be evidenced, that Episcopacy is not unlawful, or that it is a matter of Christian liberty, an Oath abjuring the same perpetually cannot but be unlawful, as laying bands upon the conscience which God hath not laid on, and being upon the matter an abjuration of part of the Churches Christian liberty, wherein we ought to stand fast, and an undutiful limitation of the power of Rulers in Church and State, in matters wherein they have liberty from God to determine by their Statutes.

3. Suppose that the Oath did abjure Episcopacy, and were every way lawful, yet there is no necessity, that the owning of Episcopacy now should import the guiltiness of perjury; for that question remains, whether an Oath which was lawful to be taken, may not upon some new emergent occasions cease to oblige, the emergencies being such as do render the keeping of the Oath or doing the thing sworn, unlawful and sinful? That there are such cases, rendring the performance of some lawful oaths sinful and unlawful, no intelligent man will deny; and some occasion we may have in the progress to speak of these. So that the *Libeller* and the *Apologist*, were concerned more ripely to have considered of these matters, before they should have so outragiously charged our sacred Soveraign, the high Court of Parliament, the honourable Judges and Nobles of the Land, the Bishops and Ministers; yea, and the generality of the people of this Land, with the horrible crime of perjury in this matter: For the Kings Majesty, he he Stageth him, *Napht. pag.* 79. as a man, *whom neither conscience, honor, nor honesty* (these are his words) *could teach the constancy of the most mean and abject of his Subjects*; against him and the Parliament, he rageth furiously, asserting, *all that did any thing against the Presbytery and Covenant, to be either children of the Devil, enemies to all righteousness, perverters of the straight wayes of God, who have sacrificed all conscience and reason to ambition and covetousexes, or base flatterers, who know no higher concernment then to please men, or of* Gallio's *indifferency, &c. Napht. pag.* 46. Our Nobles are set forth by him, *as men of no conscience, honor nor honesty, blinded, degenerated persons, acting below men, aiming at nothing but a liberty of greedy sinning*, &c. Our honourable Judges, Lords of Session and Council, *Apolog. pag.* 329. 334. are represented to the people, *as men singularly unfaithful*, as before we heard: As for the Bishops

and other Ministers, he falls upon them with such Rabshakeh-railings, as perjured and perfidious men, all alongs these two Books, that if the Devil had dictated them, he could not have said worse, nor uttered more falsehood and untruth. As to the people of the Land, *Apolog. pag.* 329. He calls them *the most perjured and infamous generation that ever stepped on the ground, a generation whose Words and Oaths, are noe to be more credited, then the Words or Oaths of the worst of Pagans*: with such brave Elogies, he adorns his own Nation; Yet, we must believe him, when in the Title-page of the *Apolog.* he saith, *he writes for satisfaction of Strangers*, and will it not satisfie them well, to have the Christian people of *Scotland* paralled with the worst of the Heathens in perfidiousnes? what Scottish or Christian heart can endure to hear such National defamations, from the pen of a vile person, who hath renounced piety and respect to God, his King, his Countrey, in the maintenance of an unwarrantable Cause?

4. But as to the matter. 1. It is to be enquired, if the established Episcopacy be indeed abjured in both the Covenants? for, if it be not abjured in either of them, there is no perjury in owning it now: As to the former of these Covenants, *viz.* the National Covenant, that Episcopacy was not thereby abjured, may be manifest, if we consider, 1. That an Oath imposed by Authority upon others, must be interpreted *according to the declared sense of the imposer, which is consistent with the literal meaning of the words*; This is so sure, that no judicious Divine will deny it; for an Oath exacted or imposed by Authority, being for this end, to give him security, and to satisfie his mind anent the matters of the Oath, the taker of the Oath must not sense the same as he pleaseth, but either not take it, or take it in the known and declared sense of the giver of the Oath; that sense being consistent with the letter of the Oath. 2. It is well known, that King *James* and his Council, did impose that Oath upon the Subjects, by Act of Council, *March* 2. 1580. he and his Council, were Authors of it, and the authority thereof came from him. 3. It is also clear, that King *James* never did think, that by that Covenant he had abjured Episcopacy, or had enjoyned his Subjects to abjure it. This is so clear, that it is strange any should deny it; for, in his Parliaments and Acts thereof unrepealed, he had allowed the Government of the lawful Arch-bishops and Bishops, (as the Acts of Parliament call them, in the years 1572, 1573, 1579.) And lest any might mistake his or his Councils meaning, (as if Episcopacy, which for ma-

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ny years before, had been exercised in the Church, owned by Him, his Council and Parliaments representing the colective body of the Land) he with his Council did, *Anno*, 1581. a little after the Covenant was presented to the Assembly at *Glasgow*, 1581. ratifie the agreement made at *Lieth* betwixt the Commissioners of the State and Church, *Anno*, 1571. Where the Authority of *Arch-bishops* and *Bishops* was established, and this he owned in the business of the *Bishop of Glasgow*, *Montgomery*, whom he would not have by any means troubled, upon account of his accepting the Bishoprick. And howsoever, he did in his Parliament, *Anno*, 1592. give a legal allowance to Presbytery, and laid aside Episcopacy, (which he, his Council and Parliament had owned, not only before, but several years after the Covenant, as may be seen, Parl. *Anno* 1584. not thinking it perjury so to do) Yet, could neither he nor his Parliament nor his Council, be brought to own Presbytery, or reject Episcopacy, as being bound to the one or against the other by that Oath: Yea, after he had given allowance by Law to the Presbytery, he found within very few years, cause to repent, (such were the courses of high spirited men, in managing that Government) and in all his life after, he strove against it, and studied the setting up of Episcopacy, which at last he did. By these things it may be clear, that not only King *James* the author of that Oath, and his Council minded no such thing as the abjuration of Episcopacy, or tying themselves by a perpetual Oath to Presbytery: But that the body of the Land had no such sense of it in their taking thereof, seing their representatives in Parliament, *Anno*, 1584. two or three years after the Covenant, *Anno*, 1581. did openly disown the new-set-up jurisdictions in the Church, and owned Episcopacy. 4. Whatever might be in those times or afterward the judgement of some Ministers concerning the sense of the Oath (as if it stood against Episcopacy) or whatever was the judgement of any Assembly at that time concerning the necessity of Presbytery, or unlawfulness of Episcopacy, these are not so much to be looked on, as the sense of the imposers of the Oath (consistent with the words of it) *quisque est optimus sui interpres*; the judgement of Assemblies concerning Episcopacy or Presbytery, was a matter extrinsical to the Oath and to the sense of the imposers of it: And most improbable it is, that any of these ancient Assemblies did account Episcopacy to be in the Covenant abjured; seing in all their Acts against Episcopacy, they never allledge that ground, and in all their contests with the King, never plead that his owning of Bishops was against the Oath, which

could they have asserted upon any good ground, would have been a very strong plea. Neither is it like, that having such zeal they would have omitted it; or if it had been used, is it likely that the diligent observers of the passages of these times would not have recorded the same? 5. By no art can it be evinced or evidenced, that the words of that Oath, Confession or Covenant, do import the abjuration of Episcopacy and swearing to Presbytery. There are two things alledged in that Covenant, as importing these; 1. *That the Popes wicked Hierarchy is abjured.* 2. *That the discipline of the Church of* Scotland *is sworn to, that We shall therein continue all the dayes of our lives.* So it is thought both Prelacy was abjured, and Presbytery was sworn to, that it should be unalterably continued in: But neither of these two assertions have any truth in them.

As to the former; true it is, the *Popes wicked Hierarchy* is abjured in the Covenant, but that the Office of Episcopacy, purged from Popish corruptions and from dependance upon the Pope (such as is the Reformed Episcopacy) is therefore abjured, is most inconsequent; for, by the same reason it might be said, that the Offices of a Presbyter and Deacon (which are reckoned by the Council of *Trent* as parts of the Hierarchy, as well as the Office of a Bishop) are also abjured by the Covenant. For, these Offices (as to their corruption and state of dependance upon the Pope) were of his Hierarchy as well as the Office of Bishops. And this Office being purged from Popish corruption and dependance on the Pope, is not now more *his Hierarchy*, then is the Office of Presbyters and Deacons so purged, which were (as well as it) parts of his corrupted Hierarchy. Neither can it satisfie to tell us, (as the *Apologist* doth, *pag.* 396.) that two parts of the Popes Hierarchy were only abjured in a certain respect (*viz.* of corruption and dependance upon the Pope) and not absolutely; but the third part (*viz.* Episcopacy) was absolutely abjured, being wholly Popish and Antichristian, and the very use of it being an abuse. For, 1. was the people acquainted with such distinctions at the taking of the Covenant, that when they abjured the Popes Hierarchy, two parts of it they did not abjure absolutely, but only one part of it they abjured absolutely, and the other two in a certain respect? Where were these lurking mysteries of such distinctions at the taking of the Covenant? Where are there any distinctive words in the Covenant to lead the poor people in these matters to swear *discreetly and with knowledge*? How strange is it now to tell them of different senses of the abjuration of that complex thing called *Hierarchy*? This man makes the Cove-

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nant look out with two faces under this term *Hierarchy*, and the word in the abjuration must have two senses, thus; *We abjure two parts of the Hierarchy, in regard of corrupt dependence on the Pope, and a third whether it depend on him or not.* But, he must either confesse, that this abjuration in the Covenant is a cover of two different senses, or else that all the three parts of the Hierarchy are simply abjured (which he dare not say) or that all are abjured in one and the same way, *viz.* in respect of corrupt dependence on the Pope, which is that thing we say.

2. Neither is it true which he asserts, that the Office of a Bishop and use of it is an abuse, or that it depends *in beeing and operation* on the Pope, or that it cannot be separate from corruption, or that it is an Office not allowed by Christ. For, who can without greatest impudence averr, that the Reformed Bishops do depend *in beeing and operation* upon the Pope, whom they renounce utterly, and from whom they have neither their calling, nor depend upon him in their actings therein. The *Apologist* telleth us, that Bishops depend upon the Pope *in esse & operari*, pag. 395. and therefore they must altogether be abjured in the Covenant, because the very use of them is an abuse, and it is not so with the two other sorts of Officers, Presbyters and Deacons. But, let us see how mightily he proveth that Bishops depend upon the Pope in beeing and operation, he proveth it, *because the Pope acknowledgeth that they depend upon himself alone, even in their beeing, and have no other ground to stand upon*; which is a most ridiculous reason, and such a one as if a thief should plead, that an honest mans Cloak is his, because he saith it is so. We do not believe that every thing the Pope saith, is as he affirms, no more then we believe every thing that this *Apologist* saith to be true; and the *Apologist* seems here to be not only very ridiculous in his reasoning, but upon a bend to own two main Popish errors, though it may be he doth it with an orthodox mind; for, his *Enthimem*, The Pope saith, that Bishops depend upon him, therefore it is so, must be made up to a Syllogisme by this proposition, Whatever the Pope saith, is as he saith; thus his infallibility is acknowledged. And again, while he maketh all Bishops, without exception, to depend in beeing and operation upon the Pope, he giveth the Pope that great advantage of his arrogated Supremacy over all the Bishops of the Christian Church now and from the beginning; So that our heroick Worthies, who have pleaded against the Popes Supremacy over all Bishops and over the Church, and against the dependance of Bishops upon him, for many centuries after Christ in which the Church had Bishops, must break their golden Pens, and vail their Bonnets unto

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this great Clerk, and sit down at his footstool to be instructed, that there was never Bishop in the Christian Church, who depended not upon the Pope in his beeing and operation:

Hoc Ithacus velit, & magno mercentur Atride.

Surely the man deserved the Popes blessing for pleading so strongly, as for his infallibility, so for his supremacy over the whole Bishops of the Christian Church. But, who will believe him, who have any dramme of understanding, that the ancient Bishops of the primitive Church, as *Ignatius* of *Antioch*, *Simeon* of *Jerusalem*, *Anianus* of *Alexandria*, the immediate Schollars and Successors of the Apostles and Evangelists in these Churches, had their dependance in beeing and operation upon the Roman Pope, or that he had Supremacy over them? Or, who would believe this of *Cyprian*, *Ireneus*, *Augustin*, or of the other African Bishops about his time, who in their Councils and Assemblies maintained stoutly their independency from *Rome*? And for the Bishops since the Reformation, a sensible confutation can be given of the untruth of the assertion, that they depend upon the Pope in beeing and operation; for they are not called by him, nor invested by him, nor depend upon his orders, nor regard at all his corrupt constitutions, nor are subject to his direction nor correction. How is it possible then that in their beeing and operation they depend upon him? And what better way is there to confute a man, disputing that there is no motion then to rise up and walk? And there can be no better demonstration of the Protestant Bishops independency upon the Pope, then only to take inspection of the way of their entry and actings. Our ancient wise Parliaments, though they discharge the Bishops of this Realm to use any jurisdiction by the Bishop of *Romes* Authority, *Par.* 1. K. *James* 6. *Act* 7. yet, they acknowledge *lawful Archbishops and Bishops*, as they call them, *Par.* 3. K. *James* 6. *Act* 45. They cut off the corrupt dependence of the Bishops upon the Pope, yet acknowledge lawful Archbishops and Bishops, who derived not their Authority from him, nor any way depended upon him.

And further, what boldness is it, when so many godly and learned men have from Scripture, given evidence of Apostolical warrand for the Office of a Bishop; and others have at least evinced the lawfulness of the Churches appointing such an inspector, conform to the general rules of Scripture, for more orderly guiding of the House of God, (though he be not of another order of Ministry then these Christ hath appointed) What boldness is it, upon no apparent sufficiency of grounds, to pronounce the very Office and Employment, *an*

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abuse and unlawful? Surely the Bishop can shew as good warrand for his inspection of the Churches within his precinct, as the Scots superintendent at the Reformation could; of whom *John Knox* in the Treatise before the Psalm-book saith, *he was called of God to be a Pastor over Shires, Cities and Countrey-sides*; and as good warrand can they shew for their employment, as the Commissioners of the General Assembly could do for their inspection over the Church in intervals of Assemblies? Were their Offices abuses, because a particular warrand in Scripture was not to be had for them? As for the Authority of the Assembly of *Glasgow*, 1638. declaring, that the sense of the Covenant was to abjure Prelacy; although we had and have great respects for several Members of that Assembly, some of whom are asleep in the Lord, and others wrestling in the way to their rest: yet must we say, that the generality of the Ministry there conveened were sitting under the guilt of palpable perjury, having broken their faith to the Bishops, and concurring to pull them down whom they had sworn to obey and maintain. The Oath was lawful, having been taken in a lawful matter, as we shall evidence it; therefore their guiltiness so abiding upon them, what regard was to be had to their determinations of the sense of the Covenant? Neither indeed doth all which they alledge amount to any thing like a demonstration to prove, that in the intention of the first takers of the Covenant, Episcopacy was abjured; for, no Act, no Declaration bearing so much, is to be found in any of these ancient Assemblies, nor any procedure of theirs given, to evidence that their sense was such; all that the Assembly of *Glasgow* produceth to any purpose, amounts to no more but to shew the strivings of the Assemblies about, or at the time of taking the Covenant against that order. But, that Episcopacy was made matter of abjuration in that Oath, or that Presbytery was sworn to, is unwarrantably affirmed, as we have formerly shewed.

3. Neither doth it satisfie to say, *that the Hierarchy abjured in the Covenant is not called the Popes, as if there were another Hierarchy lawful and not abjured, but it is abjured, as the rest of Popish corruptions owned by him, as Canonization of Saints, invocation of them, setting up Altars*, &c. *not as if there were a lawful invocation of Saints, worshiping images*, &c. But, it would be considered, that every thing abjured in the Covenant, *as the Pope's*, is not *his* in one and the same sense; for some things are so called, because devised or owned by him in flat opposition to the word of God, which are in themselves meer corruptions and not purgable therefrom as *religious creatures*

creature worship of images, Saints departed, &c. Somethings again are called *his*, not that they are evil in themselves, but sinfully usurped by him, as *his wordly Monarchy*; it is not evil to Princes to have a wordly Monarchy, albeit it is evil in him to usurp it; some things in the Covenant are called *his*, not as if they were *toto genere* evil, or as if there could be no right or lawful use of them; but they are abjured as superstitiously abused by him; as the Covenant abjures *his pardons*, yet there are pardons, both from God and man to be valued; it abjures *his stations* (a word which few Ministers in *Scotland* knew what popish corruption was meant by it; a man may read all *Bellarmine* and not meet with the word) his *peregrinations*, and yet there may be lawful stations and peregrinations, although there be no lawful *Image-Worship, or Saint-worship, or mens offering Sacrifices for quick and dead*: all which and the like, are absolutely abjured, the evil of them being such as cannot be purged. Religious worship toward a creature, *&c.* can never be cleansed from filthiness, nor so qualified as to be rightly done; albeit other things called *his* may be corrupted and purged from evils adhering to them. So, *a lawful Hierarchy there may be*, that is, *a holy Government of Church-rulers*, which is no way the Popes; It is supposed, the Presbytery is accounted *a holy Order of Church Rulers and Government*, (for the abetters of it, will not call it unholy) therefore a Hierarchy sure it was, and yet not the Popes Hierarchy; Mr. *Calvin* in his *answer to Card. Sadolets Letter to the Genevians, professeth his ready submission to a Hierarchy that will acknowledge Christ, and pronounceth them worthy of all curses, who will not submit to it*, talem nobis Hierarchiam, *&c.* Surely he was of the mind, that there might be a godly Hierarchy, which should not be the Popes, nor Antichrists: So that whatever abjuration there was in the Covenant of the Popes wicked Heirarchy (all the parts whereof were equally and in like manner abjured, *viz.* not simply, but in regard of the adhering corruptions of the Offices and dependance on him) that hinders not, but there may be a reformed godly Hierarchy of Bishops, Presbyters and Deacons of the Church of God, having no corruption from, nor dependence upon the Pope; neither is the term of *Heirarchy* to be stumbled at (although ignorant men do strive to cast reproach upon these who adhere to the Government of the Church as *Hierarchicks*) for it doth not import *a dominative or Princely power* in Church affairs, but meerly a *Sacred Order of Government and Rule*. It is *Hierodulia* in respect of Christ, and an *Hierarchy* or *Sacred holy Order of Government*, in respect to the people:

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nor can Presbyterians dislike, that their order shall be called so, seing they pretend that they are *holy Rulers* and *Governors of the Lords people* under Christ; So that it is hoped by this time, they will not fancy that the renouncing of the Popes wicked Hierarchy, is the renouncing of all Hierarchy, seing their own Government must be either *an Hierarchy*, i. e. *an holy Order of Rulers or Governors*, or else an unholy Order of such Governors (for there is no middle) and it is believed they will not lay such a blot upon their own way.

4. But next we must come to their second assertion, *viz.* that in the Covenant the Presbyterial Government was so sworn to, that it was intended to be perpetually unalterable by the obligation of the Oath: And surely, if this can be made out, much is said; but for this, there is no ground at all from the Covenant. True it is, that in that Covenant we did swear, that we *joyn our selves to this reformed Church of* Scotland *in Doctrine, Faith, Religion, Discipline and use of the holy Sacraments, promising and swearing, by the great Name of the Lord our God, that we shall continue in the Obedience of the Doctrine and Discipline of this Church, and defend the same according to our vocation, all the dayes of our life*, &c. But, the great question is, whether the discipline of the Church of *Scotland*, (sworn to be continued in by the Covenant) *be that certain particular form of Church-government by Presbyters, teaching and ruling in a full equality of power, or if it was then existent, approved and practised at the swearing of the Covenant, and sworn to by it*; we would desire the *Apologist*, or any of his fellows to resolve us in this, and if they can substantially prove, that the very form of Presbyterial Government, which they contend for, was then approven by the King and made by him and his Council the matter of the Oath which he prescribed, and reduced to practice in this Church, so was sworn to by the Covenant, to be and to abide unalterably, they will say very much; but till they do that (which we are confident they can never do) they must give us leave to dissent from them anent the sense of the Oath, and to search for another sense that will be more rational, plain and obvious.

5. True it is, that the discipline of the Church of *Scotland* is by the Covenant sworn to be continued in, at least, all the dayes of the lives of the swearers; But the question is, what is meant by that sworn discipline; *discipline* is a term very homonimous; For, 1. It may signifie nothing, but the doctrine of the Church, as received by Disciples, *doctrina activè* is *disciplina passivè*, as is asserted by *Zanchius* upon the fourth Command; and it is very ordinary, that the

doctrines of any Science or Art are called *discipline*, (as *moral discipline*, *military discipline*, &c.) but this is the most laxe and large signification of the word *discipline*; yet will it trouble the *Apologist* to shew, that discipline in the Covenant is taken in any other sense: for in it, there are four words, the *doctrine*, *faith*, *religion* and *discipline of the Church of* Scotland, the matter of all which, is sworn to be continued in: now sure it is, the first three import no different matters, but one and the same thing is termed *doctrine*, as it is taught; *faith*, as it is believed; *religion*, as it binds to God, and (we may add) *discipline*, as it is received by Disciples and hearers of that Doctrine of Faith and Religion. And we would gladly learn, by what argument the *Apologist* can prove, that *discipline* is a thing different in nature from all the former, more then one of them is different in nature from the other: it is but an *athroismus*, a figurative heaping together of moe words of one signification (though perhaps under different relations or notions) and how will he prove, that the discipline sworn to is a distinct thing from the doctrine? (for discipline in the general notion, is nothing else but doctrine, as it is received by Disciples) Now, if doctrine and discipline (mentioned in the Covenant) be materially one and the same thing (as delivered, and as received) certainly Presbyterial Government was, at the time of the making of the Covenant, no part of the doctrine of the Church of *Scotland*, (expressed in the *Confession of Faith, owned by the Kings Majesty and States, and professed for a long time by King, State, and body of the Realm as the Covenant or Confession faith*) for the contrary is most evidently true, *viz.* that it is not expressed in the Confession of Faith (*registrated in Parliament*) nor was before that Covenant owned any time, (*let be a long time*) by King, State, and the whole body of the Land. And so the Presbyterian form, not being then the doctrine of the Church, it could not be the discipline, in the sense wherein now we speak of discipline.

2. Discipline is sometimes taken for *the whole policy of the Church, standing in an order and form of spiritual Government, to be exercised by Officers of Gods appointment*: And thus it comprehendeth both the *corrective* and *censuring part* of Church-order (in relation to delinquent Officers or Members) the *exousiastick* part concerning power given to Ministers by ordination, and the *diatactick* part of Church-order in acts and constitutions concerning variable things about the ordinances of Worship, or essential Government of the House of God; and also the whole essential and invariable order of Discipline and Government, which God hath in his House appointed,

ed, and which no creature can alter. Now, it cannot be said, that all things contained thus under the name of *Discipline* or *Policy*, were sworn to be continued in invariably; nor that the whole policy of the Church of *Scotland* that was then in beeing and exercise, (whatever it was) was sworn to be perpetually continued in: for, then it should follow, that not only all the matters contained in the *two Books of Policy*, but also all other ecclesiastical Ordinances and Acts, which at that time were in force (and are contained under the name of Discipline) were sworn to be unalterable for ever. But, how absurd this is (although it be maintained by the Writer of the Book, entituled, *English popish Ceremonies*, *part* 4. *ch.* 8. *pag.* 41. *&c.*) any man may see; for so, not only had the Oath been unlawful, as abridging the Churches Christian liberty, in altering variable Church-constitutions according as times require, and as is seen to be most for edification; but the Oath had been contrary to the *Confession of Faith* established in Parliament, *Par.* 1. K. *James* 6. *ch.* 21. where the Confession averreth, *not one form of Policy can be appointed for all ages, times and places*, &c. Yea, contrary to the Churches own profession of her liberty this way, as may be seen, 2. *Book of Discipline*, ch. 7. where there is liberty allowed by the Church to *abrogat ecclesiastical Statutes not agreeing with the time, or abused by the people.* And if all ecclesiastical Statutes then in force, were sworn to be continued in, as the Discipline of the Church of *Scotland*, then should it have been perjury to alter any of these afterward; and this Church hath been (many years since, yea even when Presbytery was at the height) perjured; For, not only doth the second Book of Discipline alter several things allowed in the first Book, (many instances whereof are easily given) but the Church in after-times varied in some of her constitutions from both these Books, and abrogated some Church-constitutions that were in force at the time of the Covenant, upon very good grounds; and this was done even when Presbytery was retained. So that it cannot reasonably be said, that all which in these times came under the name of *Policy* and *Discipline*, the whole matter of the two Books of Discipline, with all Church constitutions then in force, was sworn to be continued in for ever, without any alteration or variation from them. But, the truth, as to this matter is, (supposing that by Discipline is meant the policy or order of Government of the Church) that when the obedience of *discipline of the Church of* Scotland *was sworn to be continued in*, the meaning of the swearers was, to bind themselves to continue in obedience of the *essential and utterly necessary policy*

of the Church (as it is called in the *first Book of Policy*, Chap. 9.) that Discipline of the Church of *Scotland* being *part of the Gospel, and commanded in the Gospel-doctrine*, is certainly invariable, and was sworn to be kept invariably, *viz. That the Word be preached, the Sacraments truly administred, publick prayer offered to God, that offences be corrected and punished by these to whom God hath committed the administration of these things, without these and the like* (it is said in that *Chapter*) *there can be no face of a Church.* And certain it is, the swearers did bind themselves perpetually to that Discipline exercised in the Church of *Scotland*, as being part of the Gospel. But, as to alterable constitutions and orders of the Church (contained also under the name of Discipline) it was no part of the swearers intention to bind themselves to the perpetual observation of what Church-orders or ordinances were then existent or in force, so that they should never admit the abrogation of them; it was not their mind to cut off for ever the Churches liberty, to alter constitutions concerning variable matters as she might see it fittest for her condition, and for publick order and edification. And whatever was the external mode or form of Church-government (by Presbyterian parity, or by the inspection and superintendence of some one Presbyter over others in several precincts and bounds) at the swearing of the Covenant, as we are not much concerned to inquire, albeit surely the episcopal Government at that time was the only Government of the Church, acknowledged by King, Council, imposers of the Oath, and by the Parliaments, not only at that time but afterward; and whatever Acts were made, or Declarations given against it in some Assemblies at that time, (or in that one at *Dundee*) yet, sure it is by the History, that (as to exercise) Episcopacy continued in the Land, and there was no exercise of the new Presbyteries for some years after the Covenant. So, whatever the mode or form of the Government was then actually existing or in use at the swearing of the Covenant (Presbyterial or Episcopal) it is clear, that the imposers of the Oath (the King and his Council) minded not to tye themselves or others to the one or other form, as necessary by divine Law, looking upon both as depending on variable constitutions and ordinances, according as the exigence of time and edification of the Church, and peace of both Church and State might require. And it were too absurd to say, that the takers of the Oath *did take it in another sense then the imposers had of it, and which might agree with the words thereof.* It is in the case of this Oath (*Wherein obedience to the Discipline of the Church of* Scotland *is sworn to be continued in*)

as it is with a Subject's swearing to continue in obedience to the Laws of the Kingdom, which are the *civil Discipline*, or the rules of the civil Discipline of the Kingdom. Who that hath sense will assert, that a Subject swearing obedience to the Laws of the Kingdom, and continuance in obedience to them, doth only swear to the Laws in practice and force in the Kingdom at the time of his swearing? Or, that he doth swear, that all and every one of these Laws then in use and force shall be for ever unalterable? and that he shall so continue in obedience to them, as that he shall never suffer them to be abrogated in the least, nor give obedience to any contrary Laws, however by publick consent they should afterward come to be established, as making more for publick good according to exigencies of the time? If any should put such a sense upon an Oath of obedience to the Laws, would he not be ridiculous? The very true import of such an Oath is, that the swearer binds himself to keep and own for ever all the fundamental Laws which are necessary for conservation of the Kingdom in its constitution. And for other Laws and Statutes of more particular and circumstantial concernment, he binds himself to continue in obedience to these while they are not repealed, and while they do continue in force for the publick good: and if alterations of the present Laws be made and they be abrogated, and contrary Laws afterward agreed to by the Law-giving Authority, as making more to the publick good for the time, his obligation by oath to continue in obedience to the Laws of the Kingdom (ever supposing them just, wholsome and conducible to publick good) is extended even to these future Laws and Constitutions, and by vertue of his oath, he is bound to keep these future Laws of the Kingdom, suppose they do import the antiquating of former Laws, which were sometimes good and expedient, but have now become not so. And in so doing, the swearer keeps his oath, whereby he engaged himself to obey the Laws of the Kingdom, and to continue in that obedience, however some Laws be changed, and he do obey some Laws contrary to these which at first he began to obey at the time of his swearing.

It is even so in the matter we are now upon; they who did at first swear continuing in obedience to the discipline of the Church of *Scotland*, did no question bind themselves for ever, to own and adhere to the essential necessary discipline and policy of the Church, which as to the rule of it, is part of the everlasting Gospel (and through Gods grace, we do to this day continue in obedience to that discipline, and will admit no variation in it) And withall, the swearers did bind themselves to continue

tinue in obedience of the discipline of the Church, then according to her particular constitutions and ordinances, that were meet for the edification of the Church for that time, so long as good ordinances expedient for the time stood in force unrepealed, the swearers of the Oath, were bound to obedience to them; but they did not swear, that they should never be abrogated, nor that if these being abrogated, other constitutions fitter for edification of the Church, and more conducing to her good, should be in after times enacted, they would not obey these new constitutions, they being not contrariant to the essential discipline, nor to the Word of God: Yea, they who swore that Oath, to obey and continne in obedience to the discipline of the Church of *Scotland*, were bound by vertue of their Oath, to obey the future constitutions of the Church (being agreeable, and not contrary to Gods Word) as well as they did the former (supposed to be antiquitated) and thus they continue obedience to the discipline of the Church of *Scotland*, although not obeying these same individual constitutions, that were then in force at the time of taking the Oath. And there is good ground to assert, that (upon supposition of the indifferency of the various formes of Episcopal inspection, or Presbyterian parity in Governing the Church, which shall be easily reduced into a position, unless men will produce a divine Command, of perpetual obligation for the one or the other, which may prove somewhat laborious to do) the swearers of that Oath, did not, nor do so stand fixed by the obligation of that Oath, to one of these formes of circumstantial discipline, as to exclude the other for ever, whatever ecclesiastical constitutions were for the one or the other, at the time of the enjoyning and taking of the Oath. And if it shall be evinced, (as it may be) that the use of any of these forms, is matter of Christian liberty, (at least) the submitters to the present established Government of Episcopacy, may have very good grounds of pleading, that they do most truly keep that Covenant, (*for they continue in obedience to the discipline of the Church of* Scotland, *no way contrary, but consonant to the Word*) and others who refuse submission are really the *Covenant breakers*, because they continue not in the obedience of the discipline of the Church of *Scotland* now established, which is not contrary, but consonant to the Word of God, and subservient to the *essential discipline* commanded by the Word.

6. The Ministers who dispute with the Doctors of *Aberdeen*, do ingenuously confess, that neither was Presbytery sworn to, nor Episcopacy abjured in that old Covenant; for they labour much to

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perſwade the Doctors to ſubſcribe the Covenant, with that which was called the *explanation*; aſſuring them, *that by their ſubſcribing the Covenant, they ſhould not be taken for, as abjuring Epiſcopacy, (as the Doctors thought)* they aſſure them, *that notwithſtanding their ſwearing and ſubſcribing the Covenant, their liberty remained intire to voice for Epiſcopacy in an Aſſembly; they declare plainly, that by the words of the Covenant, every mans judgement is left free as to this, and that the Covenant doth not determine, Whether Epiſcopacy and* Pearth Articles *be againſt the Covenant or not, and that they may voice and reaſon freely concerning them, without prejudice, notwithſtanding their Oath*: See the anſwers of the Miniſters to the Doctors demand. 4, 5, 6. 10. 14. And the *Apolog.* is driven to hard ſhifts, *pag.* 393. while he brings in the Miniſters giving aſſurance to the Doctors only, that Epiſcopacy and *Pearth Articles* were not abjured in the explanation ſubjoyned to the Covenant, upon ſome words of which applicatory explanation, *forbearing the practiſe of all novations already introduced into the Worſhip of God, or approbation of the corruptions of publick Government of the Church, till they be tried and allowed in Aſſemblies*, &c. *To labour by all means lawful, to recover the purity and liberty of the Goſpel, as it was eſtabliſhed and profeſſed, before the foreſaid novations*: The Doctors apprehended, that in ſubſcribing the Covenant, they ſhould be brought to aſſert, that Epiſcopacy was a corruption of Church-government, and contrary to the purity and liberty of the Goſpel, the recovering of which, they were required to ſwear they ſhould endeavour: The *Apolog.* affirms, *that it was upon this clauſe, that the debate betwixt the Doctors and Miniſters did ariſe, and that the Miniſters gave them only ſecurity, that by that clauſe they were not oblieged againſt Epiſcopacy*: But affirms, *that they never ſaid that it was not abjured, in the negative Confeſſion or the National Covenant; but only, that it was not abjured ſpecifically nor expreſly, in the latter part of the Covenant, which was additional to the old negative Confeſſion. Anſ.* True it is, the debate betwixt the Doctors and the Miniſters, began upon that clauſe in the addition, but it proceeded a greater length, even touching the old negative Confeſſion; for they complain in their duplies, *pag.* 93. *That they were urged to ſwear and ſubſcribe againſt their conſciences, to Presbyterial Government, as unalterable, under the notion of the diſcipline of the Church of* Scotland; neither was it meerly upon the account of the additional clauſe, that the Doctors declined the ſubſcription,

tion, though that same gave them ground enough to refuse, they being for Episcopacy in their judgement; seing in that clause, wherein they were to promise forbearance of their approbation thereof, they were to brand it positively as a corruption: The *Apolog. pag.* 393 doth expone these corruptions of the publick Government of the Church there mentioned, to be meant of Prelacy, and if it was so, which yet (the Ministers decline to say so) sure no perswasion could move the Doctors, so long as they were in the judgement for Episcopacy, to brand it under their hand as a corruption: But, the Doctors do ingenuously profess, that even as to the old Confession, laying aside the addition, they would have refused their subscription to the same, unless the meaning of some parts of it, touching matters of Ecclesiastical policy were cleared, to the satisfaction of their minds. See *Duply, pag.* 48, 49, 51. So that their refusal was both of the bulk of the old Covenant, and of the addition: and the *Apolog.* doth exceedingly much wrong the Ministers, who reasoned with the Doctors, while he bringeth them in to argue so weakly and sophistically, to insnare and not to satisfie their brethren; for, how could this satisfie the Doctors, who were required to subscribe the whole complex of the old Covenant and the addition, to tell them, that in the addition, Episcopacy was not abjured; but in the mean time, not to be able to assure them, that in the old Confession it was not abjured? Was not this to cast a snare and a stumbling-block before the consciences of their brethren, to strive to halter them in an Oath upon this ground, because in one part of it, Episcopacy was not abjured? whereas they durst not say, that in another part, it was not abjured, but it was the whole complex they were required to subscribe? So that if the Ministers thought, that in any one part of it it was abjured, though not in another, they were but putting a cheat upon the Doctors, in drawing them in to swear against their consciences; but, the Doctors were not inferior to them in their Logicks and Theologicks, as the issue of the dispute sheweth, albeit somewhat below them in their policicks, for which, they were not much the worse: and the *Apolog.* his talking of the prudent contrivement of that clause in the addition, concerning the suspending of their approbation of these particulars, untill they were tried in free Assemblies, is but vain; men had need to look, that in such weighty matters, their prudence may be from above, and not τα ζαϑη τε ζαταγα. Was there ever a more strange thing then this, that such as were perswaded, that they had eternally abjured Episcopacy in the first part of the Covenant, without any reservation

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or submission to any Assembly; yet in the second part, *would* only swear the forbearing the approbation thereof, till tried and allowed n free Assemblies and Parliaments? Was it not very possible, that free Assemblies and Parliaments might upon tryal have allowed Episcopacy? for they are not exempted from error, nor from owning that, if it be an error, and what then should have been the case of the swearers of the Covenant, who were convinced, that in the first part Episcopacy was abjured? For, upon such a possible determination of a free Assembly or Parliament, they behoved either to own Episcopacy, according to the mind of the Assembly and Parliament; thus they had been perjured, and had done contrary to their consciences, or else their submission and reference to these Assemblies and Parliaments, was but a meer mocking the World, under Oath: Was it not strange at one and the same time, to perswade men, that they should be free to vote for Episcopacy in an Assembly, notwithstanding of their subscription to the whole complex Covenant, and yet to assert, that the first part of the Covenant did abjure Episcopacy? This *Apologist* utters contradictions, while he asserts, that Episcopacy was certainly abjured in the old Covenant, and yet that men swearing the Covenant had a full and free liberty if they pleased, to vote for Episcopacy in the Assembly. Was it not a strange thing, that a multitude of people should swear a Covenant, and yet refer the giving the sense of it to a future contingent Judicatory; anent the right constitution whereof, they could not be sure, far less, that they should not give a wrong sentence, and whose grounds of procedure were never to be notified to the tenth man that took the Covenant, that they might use a discretive judgement thereupon? Was there ever such a thing as this, to abjure the forbearance of the approbation of Episcopacy, as a corruption, and yet to submit the matter to a tryal and allowance of a free Assembly? A man who under Oath, asserts Episcopacy to be a corruption, as this *Apolog.* expones that clause, must not only forbear his approbation thereof for a time, but for ever, and must not refer it to be determined upon by any Assembly; for, all corruption is sin, and it were senseless to say we shall forbear the approbation of sin, till it be tried and allowed by the General Assembly. Finally, it would be enquired, To the determination of what Assemblies and Parliaments the tryal and allowance of these corruptions is referred? If it be said to the first that might come, that was to lay too much weight upon the sentence of any particular meeting: and who knows, but afterwards lawful Assemblies and Parliaments may come, which will not disallow, but allow of Episcopacy,

whose judgement the Covenanters should follow, having referred the matter to them.

7. Now, as to the *Solemn League and Covenant*, the question is, whether the present Episcopacy settled in *Scotland* (*i. e.* the inspection of one Presbyter under the name of a Bishop, in a certain precinct or bounds over other Presbyters, with whose common consent and concurrence in Synods and in other meetings he rules the Church) be contrary to that Covenant, or therein abjured. It is clear enough (if we will believe the Presbyterians of *England*, who plead under the name of *Timoreus, epist. dedic.* S. 25. and, *pag.* 16. and, 14.) *all Prelacy was not abjured by the Covenant*; for, they declare themselves to be ready to submit to *the primitive Episcopacy*; *i. e.* to the presidency of a grave Minister in a certain precinct, allowed to his inspection, so that nothing was done in ordination and jurisdiction without him: yea, they avow, *that the Covenant was not intended against all Prelacy or inspection and episcopacy of Ministers over others*, but only against a certain *species* of it that had grown up in *England*. And they assert, that the Parliament of *England* (with consent of their Brethren of *Scotland* or their Commissioners, whose faithfulness in the matter was approven by the General Assembly of *Scotland*) intended not to swear the extirpation of all sorts of Prelacy in the Covenant, but only of that *complex frame mentioned in the Covenant*; Mr. *Vynes*, Mr. *Gataker*, Mr. *Baxter*, able Schollars, and whose praise is in the Churches of Christ, are fully of this mind: yea, the most part of the Assembly of Divines (if they be not belyed by Reverend *Gataker* who was one of them) were *reconcileable enough to a well-moderated and qualified Prelacy in the Church*. Yea, Mr. *Crofton*, *pag.* 70, 78. professeth, *that Prelacy in the genuine acception, is undoubtedly a fair flower, not at all to be rooted up*, allowing also *a superintendent over Presbyters*, (as an episcopal Government of divine institution, though he would fain make this Superintendency right insignificant and useless, and such as is no where to be found for the Churches edification) And he asserts, that the Prelacy vowed to be rooted out, is only *a particular complex species of it, to which it is expresly restricted in the Covenant* (the honour of which restriction is given to Dr. *Featly*, then a Member of the Assembly, and was occasioned by the *over-hot pressing of some, that Prelacy in general should be sworn to be extirpated*) Now, the Covenant it self restricting the abjuration of Prelacy to *a certain complex species of it*, (as these learned Presbyterians say) and the Parliament of *England*, with consent of the Commissioners

sioners of *Scotland*, agreeing, that not all sorts of Prelacy were sworn against in the Covenant, but only that certain complex species therein mentioned: it must either be cleared, that the Prelacy of *Scotland* is that *certain complex species* mentioned in the Covenant, or else the Covenant doth not strike against it. Certainly, the episcopal Presidency settled in *Scotland*, being a governing of the Church with (and not without) the joint concurrence of Presbyters in Synods and lesser Meetings, cannot be the Prelacy abjured in the Covenant: for, that hath in the complexion of it *governing Chancellors*, *Commissaries*, *Deans*, &c. excluding ordinary meetings of Presbyters, by whose concurrence the Church may be governed, or not including the same. We know not such governing Chancellors or Commissaries intermedling in Church-government in this Church, since the Reformation, albeit we have had Bishops. Such as own them, may justifie them, and perhaps are able to do it with satisfaction. Nor know we what influence *Archdeacons*, *Deans*, *Deans* and *Chapters* have (according to our Laws either of Church or State) in the Church-government, otherwise then as they are *Presbyters*, jointly concurring with the Bishops and other their Brethren in Synods and other Meetings, for governing the Church: if any Presbyters bear these names, whether upon account of enjoying the Rents due of old to such places, or upon account of special assistance they may give to the Bishop, to take notice of misdemeanors to be corrected at the Synod; or upon account of a precedency in order unto others (which may be given them, in regard of eminency of gifts) or upon account of right they have by Law to secure the estate of the Church-rents, or to secure these who have dependence upon episcopal Sees in their temporal estates (which is the part of Deans and Chapters) Yet, there is no order of the Church of *Scotland* for allowing to such under these titles, place of Government in the Church, but in concurrence with the Brethren of the bounds under the presidency of the Bishop. Nor do our Laws and Constitutions of Church or State, allow Bishops to act in matters of ordination or jurisdiction, without the concurrence of Presbyters.

8. The *Apologist* (albeit he be ready enough to take advantage of the sentences and judgements of lesse valuable men then these reverend Pastors who have been mentioned are, when they may make for him) yet, in their judgement, anent the sensing of that article of the Covenant concerning Prelacy, (*Apol.* pag. 379.) he undervalueth them, and kicks them down with his heels as not to be regarded; yea, he will not have the moderate exposition of the Article given by the Assembly at

London, the Parliament of *England* with advice of the Scots Commissioners, to have any weight; but asserteth, that we must only *look to the sense that the State and Church of* Scotland *put upon it in their publick Meetings, Who surely intended thereby no compliance with any sort of Prelacy.* Indeed, had the Covenant been only the Covenant of *Scotland*, the sense and glosse of the imposers of it in *Scotland* had been only to be looked unto; but, it being a Covenant of three national Churches and Kingdoms, which (if Mr. *R.* may be believed, in his Treatise against liberty of Conscience, *pag.* 304.) do *by that Covenant become one ecclesiastical body*, what reason can be given, that the Scots sensing of it (that Church and Nation being the far minor part) should rather be looked upon then the sense of *England* and *Ireland*, the far major part of that (so called) ecclesiastical body? In all embodyed Societies, the sense and sentence of the major must oversway the minor, and is to be accounted the sentence of the whole; and although the Church and Kingdom of *Scotland* were the immediate imposers of the Oath upon the people here; yet, seing they did it not as abstracted from, but as parts of that great ecclesiastical body, (so called) their sense and glosse on the Article is not so regardable by any member of that great Society, as the sense of the major part, which legally is to be accounted the sense of the whole united body. And we may add also, that the Scots Commissioners, consenting to the sense of the Parliament of *England* with their Assembly touching that Article, (as *Timorous* saith, and he ought not to be discredited in such a matter of publick fact) and these Commissioners being approven by the General Assembly here in their actings; the sense of *England* touching that Article must be looked upon as the sense also of the Church of *Scotland*; and according to the sense of both, that Article may comply with some sort of Episcopacy and Prelacy, though not with that specifical complex form sworn to be extirpated.

9. But, the restless *Apologist*, will have every sort of Prelacy in the Church, inconsistent with the second Article of the Covenant, (albeit the Covenant it self doth expresly restrict and define, what the form and species of Prelacy is, which is abjured) and upon this ground, because (saith he) in the first Article of the Covenant, *the preservation of the Reformed Religion of* Scotland, *in Doctrine, Worship, Discipline and Government is sworn; now* (saith he) *certainly the Government of the Church of* Scotland, *then sworn to be maintained, Was the Presbyterian Government: and therefore, the second Article must import sworn indeavours to extirpate all sort of Prelacy, seing all sorts*

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of it are inconsistent with the Presbyterian Government sworn to be maintained in the first Arricle; for, how could Presbyterian Government be sworn to be maintained in the first Article, and yet room be left in the second Article, for comlyance with any sort of Episcopacy, all Episcopacy being inconsistent with Presbytery? Apolog. pag. 380. This is his full strength in this point. But there are two things which he supposeth for true, which will not be granted to him; one is, that *the maintenance and owning of Presbyterial Government of the Church of* Scotland, *is sworn to in the Covenant*; the other is, that there is *an utter inconsistency betwixt Presbytery and all sort of Episcopacy.*

10 As to the former of these, there is no word in that first Article of the Covenant, engaging to maintain or endeavour the preservation of the Presbyterial form of Government, used and received in the Church of *Scotland*. The words are, *We shall endeavour the preservation of the reformed Religion, in the Church of* Scotland, *in Doctrine, Worship, Discipline and Government, against our common enemies*: Many Independents did take this Covenant, and some had hand in the framing of it, and took it themselves; yet, did not hold themselves bound by the formal words, to indeavour the Preservation of Presbyterian Government in *Scotland*, which according to their principles, was no part of reformed Religion; they accounted the form of the Scots Presbytery, a rag of Popery, and afterward when they saw their time, disputed against it, as contrary to the Word of God; however Presbyterians thought that Government to be a part of reformed Religion in *Scotland*, yet did not others think so, who swore the Covenant, neither indeed did the formal words of the first Article, import the swearing of the Presbyterian form of *Scotland*; but only the endeavouring to preserve the reformed Religion in *Scotland*, in Doctrine, Worship, Discipline and Government, against the common Enemies. The Oath did not import an assertion, that the Presbyterian Government in *Scotland*, was part of the reformed Religion, and so to be preserved; but only, that there was somewhat of Religion in *Scotland*, in Doctrine, *&c.* reformed, and that was sworn to be preserved, but not, that the whole forme of the Presbyterial Government, was part of the reformed Religion there; for, had that part of the promissory Oath imported an assertion, that the Presbyterian forme used in *Scotland*, was indeed part of the reformed Religion, the Independents (who were of a contrary perswasion) would never have been induced to swear a thing, so much against their consciences and known principles, they would never have asserted

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such a thing, nor promised to preserve that which they thought sinful; they only swore to maintain that, which was indeed *reformed Religion in Scotland*, and the words bear no more; and they had been ensnared, to do against their consciences and principles, if they had been brought under an Oath, to own and maintain that Presbyterial form which they accounted no reformation, but a relict of deformation. Again, if the Oath doth import an assertion, that the Presbyterial form in *Scotland* was part of the reformed Religion, the Parliament of *England* and Assembly of Divines taking that Oath, did prelimite themselves in the search after the right form of Government: for, that which is part of the reformed Religion in *Scotland*, must be so in *England* also, and all the World over; and so, if in the Oath any such assertion be implied, that Presbyterial Government in *Scotland* was part of the reformed Religion, it ought (if this assertion was with knowledge) been owned to be so in *England*, as being according to the Word of God (as every part of truly reformed Religion is) but that the Parliament of *England* had no such perswasions concerning the form of Presbytery in *Scotland*, appears not only by their holding so many Divines about the search of the Government (to know what was according to Gods mind) so many years after the taking of the Covenant; but also, by their professions in the declaration to the Scots Commissioners, *Anno*, 1647. *March* 4. Where they profess, *pag.* 30. that they could never find, *that Presbytery is made necessary by any Divine right, and* pag. 55. *they charge them for thinking, there is no other lawful Church Government, but that which they call Church Government: they charge them also, With misinterpreting the Article of the Covenant concerning Church-government*, pag. 61. Thus we may see, that in the first Article of the Covenant, there is no assertion imported, that Presbyterial Government in *Scotland*, was part of the reformed Religion there, nor any engagement (looking to the formal words of the Covenant) for preserving that particular form of Presbyterial Government in *Scotland*, (which it is certain, many that took the Oath in *Britain*, thought not they were bound to preserve by the Oath, but rather bound to ruine, as a part of popery, and as a way contrary to the Word of God) for the Oath only bound them, *to preserve reformed Religion in* Scotland, *in Government*, &c. and many who took the Covenant, accounted that Government no part of reformed Religion. And although a Presbyterian will say, that it was so, and will averr, that the then existent Government of the Church of *Scotland*

land was notourly Presbyterian, and therefore when the reformed Religion in *Scotland* is sworn to be preserved in point of Government, it will necessarily follow, that both that particular form of Government is acknowledged *reformed*, and is sworn to be maintained. A Presbyterian will indeed assert all this, (because it is according to his mind) but, whatever either was the Churches Government at that time, or the sense of Presbyterians concerning that part of the Article of the Covenant, it makes nothing to the purpose, when we are upon the consideration of the formal words of the Covenant, and inquiring whether by force of the oath (as it is worded) there was any assertion, that the Church-government of *Scotland* was part of the reformed Religion; or any engagement taken on by the swearers of that Covenant (by force and vertue of the formal words of the Covenant and their sense) to maintain that particular form of Government, as part of the reformed Religion. Let any read the words over and over again, they shall not find in them any security for the Presbyterian Government of *Scotland*, nor any engagement to maintain the same, as part of the reformed Religion; but only an engagement to maintain the *Reformed Religion* in *Scotland*, in these particulars mentioned; *i.e. whatever should be found indeed reformed.* But, the determination of this was too loosely left to the various conceits of the swearers; and it is like, some sectarian hand might have acted too much in wording the Article in this manner, that room might be left (as it came to pass afterward) to endeavour the rooting out of Presbytery in *Scotland*, in stead of preserving it.

11. But next, were it granted, that Presbyterian Government in *Scotland* is sworn to be maintained by Covenant; yet, that there may be no complyance at all of that Government with any sort of Episcopacy, is sooner said then proven. The *Apolog.* and others will have an utter and irreconciliable inconsistence to be betwixt Episcopacy and Presbytery, conceiving episcopal inspection to be a *meer and absolute Monarchy over Ministers, and a full dominative power*; and that there can be no aristocratical Government of Ministers of the Church, where there is any such inspection or episcopal presidency, both which we utterly deny; and the Bishops will both cordially disclaim, and in their practice disown such a fancied meer monarchical and dominative power over their Brethren: whatever inspection or presidency they have *ordinis & politiæ gratia*; yet, they preserve the ministerial honour of their Brethren, and do act (and are bound to act) socially and fraternally, with concurrence of their Brethren in all Church administra-

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tions of Governments whatever power they have by their place to stop extravagancies and disorders, for guarding publick peace, unity and order of the Church, (it is to be wished, they may seldom or never have occasion of using such power) yet they are at most, but *tanquam Consules in Senatu*, which great *Calvin* disallowed not in the primitive Bishops: And Mr. *Beza* is full and plain, asserting, that the Episcopacy of one Minister above others, is no way *against Divine and Apostolical institution, nor to be abolished, that it was not rashly or proudly brought into the Church of God, that it was undeniably of great use to the Church of God, so long as Bishops were good and holy, that he and all the reformed will acknowledge, and give all reverence to Archbishops and Bishops doing their duties, as unto faithful Pastors; that it is arrogancy to accuse all them who are this day called Archbishops and Bishops of tyranny, that the Office rightly managed, is irreprehensible, heartily wishing, that the Church of* England, *may long enjoy that favour of God, to have Bishops continued there, faithfull Pastors and witnesses of Christ, as several of them have been in this age*: See his own words *apud Saraviam*, pag. 207. 233. 235. 238. 240. 242. 251, 252. 182. 262. where Schollars may read, and it were but troublesome to translate. Surely *Beza* was no unfriend to Presbytery, and yet he thought, there might be a consistency between some sort of Episcopacy and Presbytery, as there was in the Primitive times; *Ignatius* Bishop of *Antioch*, *Cornelius* Bishop of *Rome*, *Cyprian* Bishop of *Carthage*, and other ancient Bishops, had their Presbyteries (consisting of teaching Pastors) which were called their Senate, Council and Assessors in Government, with whom they maintained a sweet harmony, giving them their due honour, as they did also receive due honour from them: And if mens passions might permit, there might be a godly consociation and mixture of these formes, in the exercise of Government for the Churches edification.

12. But it is fit, that we now proceed to speak of the next point proposed anent the Covenants; for, giving and not granting, the present Episcopal inspection established in this Church, had been abjured by one or both Covenants; yet, will not the owning of the Episcopal Government, come under the guiltiness of perjury, unless it be evidenced, that that Oath (as to that part) was lawful: for it is no perjury, to cast off the obligation of an unlawful Oath; an unlawful Oath binds to nothing but to repentance for making it, the sin is doubled if it be keeped. Now if it can be evinced, that Episcopacy is

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the Government of the Church, necessary and perpetual by apostolical or divine institution expressed in the Word of God, the oath abjuring it was sinful, and casting off the band of that oath is no perjury. Yea, if it can be evinced, that Episcopacy is in it self lawful, and a matter of the Churches christian liberty, and no way contrary to the Word of God, an oath perpetually abjuring the same must needs be a sinful oath (in so far) and is not to be keeped, but to be repented of, as shall appear. As to the former of these two, there are in the Churches of God, opinions concerning Episcopacy diametrically opposite; some rigid Presbyterians crying out, that all sort of Episcopacy and superior inspection or authority of Ministers over Ministers, is morally evil, contrary to the Word of God and forbidden by it: which if it could be proved, we were at a point anent the perpetual obligation of the Covenant against it; for, then there should be a double bar against it, both that of the Law of God and of our own oath superadded. Others upon the other hand do avow, that Episcopacy is not only lawful, but necessary, by divine and apostolical institution; and so must say, that the contrary way of Government by Presbyters in full parity of power, is morally evil and inhibited, as being against Christs institution. If this can be soundly proven, we must cleave to the institution of Christ and his Apostles, and cast off the obligation of the oath abjuring Episcopacy, accounting that it obliegeth us to nothing but to repentance for sinful swearing it. But, the search of the grounds of these contrary opinions must be referred to that *Head*, wherein we shall speak of Episcopacy and Presbytery. But, 2. if it can be evinced (which we hope shall be) that at least Episcopacy is not against any Word of God, but a matter of indifferency and christian liberty; the oath, so far as it perpetually abjures the same (if it do so) cannot be justified as lawful, nor held as oblieging, it laying on a snaring band upon the conscience which God hath not laid on, and fettering and destroying in that point the christian liberty, which God hath allowed to his Church and People.

13. The *Apologist* (with the Author of *Naphtali*) though very peremptory in asserting the unlawfulness of Episcopacy, antecedently to the supervenient abjuration of it by the Covenant (the grounds of his confidence shall in due place be tryed) yet will play himself a little with the Author of the *Seasonable Case*, and granting that Episcopacy is not forbidden in the Word, but of indifferent nature, yet asserteth, that it may be the matter of the abjuration, if it be found inexpedient; he, *pag.* 272. and the Author of *Naphtali*, *pag.* 363. and, *pag.* 54. (be-

ing men that make lyes their refuge) do belye the *Seasonable Case* foully, as if the Writer of it had asserted, 1. that an oath hath no force in matters morally good, and that as to these it is superfluous, and may be dispensed with and renounced: this *Napht.* involving himself in vain words, imputes to that Writer. The Writer of that *Case* never wrote, never thought any such thing as this person imputes to him, out of the forge of his own wicked heart; he knoweth as well as he doth, that a matter commanded by God, may come under a Vow and a promissory Oath, and then the obligation upon a man is double, both by divine Command and by force of his own Oath, binding him to obedience.

Indeed, the writer of the *Case* had once and again asserted, (which he will stand to) that if Episcopacy be in it self unlawful, (Gods Word declaring it so) then whether a Covenant had been made against it or not, it is to be disowned (for what is unlawful cannot be allowed, be it sworn against or not) *pag.* 23. 25. But (although the two lyars raise their imputation upon these words only) he never wrote nor thought, that necessary duties may not be the matter of a lawful Oath, or that an Oath in these matters, may be dispensed with or renounced (as is alledged by the *Apolog. pag.* 364. 372. and by *Napht. pag.* 54.) he knoweth who said it, *Ps.* 119. 106. *I have sworn and will perform it, that I will keep thy righteous judgements*, and knoweth that it is even needful, that we engage our hearts to God in necessary duties, and take on voluntary bands to fix our fickle spirits in his obedience; and he knoweth that no creature can absolve from, or dispense with any Oath: But again, the *Apol.* maketh a loud lye in imputing to the writer of the *Case*, that he will have no Oath to be taken anent matters indifferent, or lawful in their nature (though not necessary) and so imputes to him, the taking away all that part of the worship of God that stands in swearing by his Name: because (as he alledgeth) the *S. C.* saith, that in moral duties, it is unnecessary to swear, and that a man may not swear in things indifferent: and all will acknowledge, that matters sinful are not to be sworn to: But, as in the former he uttered untruth, so in this, he utters a new untruth, and he is defied to shew any one word in all that writing, that saith a man may not swear in things indifferent. There is no word in it all that hath appearance of carrying such a sense, let any read it when they will. The writer knoweth well, that the matter of a promissory Oath or Vow, may sometimes be *res præcepta*, sometimes *res non præcepta, sed permissa nostro arbitrio.* As there may be a lawful Oath or Vow

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in matters necessary, by Divine precept; So, there may be a lawful Vow or promissory Oath, in matters not commanded, but left by God to our own arbitrement; if a Christian find, that the use of things of indifferent nature, is occasionative of sin to himself, or of scandal to others, in such or such circumstances, or that the use of them is inexpedient, and ordinarily leads him to some abuse, he may bind up himself by Oath or Vow from the use of things so inexpedient; yet, not by a Vow or Oath intended to bind perpetually against the use of these indifferent things, in all circumstances and occurrences whatsoever; and albeit the present inexpediency should cease, and providence order so, that afterward the use of the indifferent thing be more expedient then the forbearance of the use of it. Expediencies and inexpediencies in the use of things indifferent, may vary according to circumstances and occasions; that which may be this year expedient, may another year be inexpedient (under other occurrences of providence) and so also, upon the contrary. No question, *Timothy*, 1 *Tim.* 5. 23. reckoned it expedient for him to be so abstemious as he was, and finding such a way for the time to be for his souls health, or fitting him for spiritual exercises of the service of God, he might engage to do what he did: But, when he found that way hurtful to him, and hindering him in the Lords service, then it became inexpedient to keep the course he had kept; and it was expedient upon *Pauls* admonition, to change that way of his diet that weakned him in his work and service to God; nor was it levity nor inconstancy to alter his way (that which was before expedient, becoming now inexpedient.) Nor, if he had engaged himself by Oath to his former course, had it been perjury to desert it (the expediency of such a course ceasing, and his Oath only binding to such a mean as a mean to an end, which ceaseth to bind when the expediency doth really cease, and when the use of the indifferent thing is contrary to the end and impeditive of it. It is well known, our Protestant Divines (though they are not against all promissory Oaths and Vows, touching things indifferent) yet they are against such Vows, intended for perpetual obligation. *Calvin*, *lib.* 4. *Instit. cap.* 13. S. 4. 5. speaks of this matter judiciously, *If* (saith he,) *a man see himself inclined to a certain vice, so that he cannot moderate himself in a thing otherwise not evil, but incontinently he slides into that which is really evil*, nihil absurdi faciet, *&c. he shall do no absurd thing*, si ad aliquod tempus (*n. b.*) ejus rei usum sibi voto præcidat, ad aliquod tempus potest renunciare illi rei voto adhibito. He thinks it lawful to make a vow anent those indifferent things,

for some time, but will not have people to halter themselves of their consciences by Oaths and Vows, in such matters, intended to be of perpetual obligation, even though the inexpendency of the use of these *res non mala*, should cease: So, the professors of *Leyden*, *disp.* 20. *de juramento*, *Thes.* 43. 46. We think it not lawful (say they) for any man, *sibi aut aliis absolutè per votum interdicere, usu earum rerum, quem Christus liberum esse voluit*; albeit as they add, *Thes.* 44, 45, 46. in a certain respect it is lawful, *si nimirum eorum usus aliis futurus sit scandalo, aut cessurus nobis in licentiam carnis*: And this (say they) doth not prejudge Christian liberty; and when these causes do cease, *tum etiam vis hujus voti cessat.* So that albeit things indifferent may, in case of inexpedience of them, be the matter of an abjuring oath or vow during that case of inexpediency; yet, judicious Protestants do not think, that a vow, intended for perpetual obligation to forbear things indifferent (even although it should come to pass, that the forbearance of the use should come to be inexpedient, and the use expedient) is lawful; or that such an oath or vow is perpetually and in all cases binding. But, the application of these things to the matter of Episcopacy (supposed to be perpetually abjured) must be put off to that *Head*, wherein the grounds of asserting Episcopacy to be unlawful are to be tryed; and if they be found weak, it must subsist as lawful, and the oath perpetually abjuring it cannot be lawful.

14. But now, thirdly, supposing that in both Covenants Episcopacy was *abjured*, yea *and lawfully abjured*; the third question remaineth, Whether in no case the obligation and binding force of a lawful promissory oath may cease? for, if the oath in any case may cease to bind, there is no perjury in not doing (in that case) what was sworn to be done; for, perjury is only the breaking of a lawful oath, and of a lawful oath that continues in force, and the obligation whereof ceaseth not.

15. That a promissory oath lawfully made, may sometimes cease to oblige, so that the not keeping of it is no perjury; in that case, no judicious man will deny. Not to mention other cases, there are three cases remarkable to be applyed to our purpose; the first is this, If the matter of a promissory oath or vow be under the power of a Superior, he may, by his authority interposed, make void the oath by his dissenting from it: the matter of the oath being put under his power by God; if he dissent from it, it ceaseth to bind the inferior. This is most agreeable with reason, that no deed of an inferior person or sub-

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ject should prejudge the right of the Superior, nor take from him any power allowed unto him by God in any thing; and it agreeth well with that common equity which all Divines acknowledge to be in that Law of God, *Numb.* 30. 4. A vow or promissory oath being an engagement to God, made of things which are in the power of the maker of it to do, (by supply of divine assistance) no man can bind himself by vow to do that which is in the power of another (his Superior) to allow the doing of it or not; unless it be under a condition, that he to whose power it belongs shall be pleased with the vow, and not gainsay or gain-stand it. For, one that is subject to a Superior hath not power of himself to do what he will, *(quantum ad id in quo est subjectus)* in so far as concerneth the matter wherein he is subject and dependent upon the will of another. Protestant Divines with full consent yield, that the analogy of that Law, *Numb.* 30. 4. and the common equity of it, extends to all Superiors, in the matters wherein they are superior, aswell as to parents and husbands, in the matters wherein they have power. See *Zanchius* in *præcept.* 3. p. 615. *Rivet* on the Decalogue, *pag.* 91. *Synops. Leyd. p.* 227. *Diodate* on *Numb.* 30. 3. *Perkins*, *Sanders.* and many others: But, not to be tedious, Dr. *Ames* shall speak for them all, *lib.* 4. *de conscient.* pag. 304, 305. *In omni juramento de eis rebus quæ Superioris potestati subjiciuntur subintelligitur (si ipsi placuerit) datur irritatio juramenti aliquando per Superiores si in illa ipsa materia sint Superiores circa quod juramentum versatur; sic parentes, mariti, domini, principes irrita pronunciare possunt juramenta,* &c. All agree in this, that oaths or promises in matters subject to Superiors, are alwayes *salvo jure Superioris*, and may be by them void if they consent not. And therefore, it being supposed, that the episcopal form of Government is not unlawful (as will after be evidenced, be tryal of the weakness of the grounds whereupon it is asserted so to be) and being under the power of the Prince, as keeper of both Tables of the Law, to determine of it as makes most for the good of Religion; any oath abjuring the same, must alwayes be understood *salvo jure Superioris*, and *si ipsi placuerit.*

It is to be remembred, that Episcopacy is supposed to be a matter not unlawful, (which in the following Chapter is to be cleared) and upon this supposition, as the Writer pleadeth the cessation of the obligation of the oath in the mentioned cases; So, the *Apolog.* argueth for the standing obligation thereof. If any of our Brethren, or of the people of God, after search into the Word of God, do find the derivation of episcopal Authority *from divine or apostolical institution*, we are not to

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prejudge their thoughts, nor yet to prelimite our selves in receiving further light upon that subject; only, whoever have clear and satisfying grounds of that derivation of Episcopacy from divine and apostolical institution, (which hath been the judgement of the most eminent Teachers and Martyrs of the primitive Church in the purest times, as may be seen in *Ignatius* and *Cyprians* Epistles, and also of the most learned and godly men in our own times) they can the more easily lay aside the obligation of the Covenants, if they be found to strike against Episcopacy. But, because the most part of pleaders for the standing obligation of the oath, do plead for it, not upon a rational or scriptural conviction, that Presbytery is necessary and Episcopacy unlawful, but meerly because an oath was taken about these; whereas in the mean time, they find no grounds to sway their minds to own the one or the other as a divine institution: for, who can doubt, that the most of the subscrivers of the Covenants had no perswasion on their spirits, that Presbytery was the Ordinance of God, or Episcopacy contrary thereunto? *The Parliament of* England *in their Declaration*, 1647. March 2. *do profess, after the sitting of their Assembly several years in searching these matters, that they could never find a divine right for Presbyterial Government; and challengeth the Scots Commissioners that they thought there was no other Government, but that which they called* Church-government. So it is clear, that the great Representative of the plurality of these Nations, and even that same Representative that took the Covenant themselves and imposed it upon others, were not at all of the mind that Presbytery was a divine Ordinance. And, to speak of the people of *Scotland*, there is none that knows them who will not acknowledge, that the tenth person swearing the Covenant, had no rational grounds to account the one Government an Ordinance of God, the other not; but they went on as they were led, and to this day most of scruplers have nothing to say, but the short word *perjury*; and this is the great argument which their Teachers buz into their ears, because they are not capable of managing other arguments; and upon all occasions, they furiously cast the dirt of this *perjury* in the faces of their opposites, who walk in dutiful obedience to God and the King, whereas just apologies may be made for such, and their furious accusers may be justly branded as perjured persons, for their schism, sedition, rebellion and gross looseness and profanity. Under pretence of keeping one Article of the Covenant, and that not rightly sensed, they are most guilty of the breach of many of them. But, to come to the matter upon the former consi-

derations,

siderations, especially seing many will acknowledge the *lawfulness* of Episcopacy, which will not acknowledge the necessity thereof (the like may be said of Presbytery) we have in the considerations of loosing the Covenant-obligation as for or against any of these formes, chosen to speak of each of them, as in themselves lawful, and as of an indifferent nature, and not binding the conscience, *vi materiæ* to either side, to allow and disallow absolutely. And upon this supposition, the *Apolog.* ingages in the dispute, for the standing obligation of the Covenants: So then, let us see what his answers are to the first case, proposed; the sum of his answers cometh to this, that the place, *Numb.* 30. 4. *Which speaketh of the interest of domestick superiors, in dissolving the vows of their inferiors, doeth not concern Civil Magistrates; or if it do, we had the consent of a sufficient civil Authority to our Oaths, without the King, or that the Church Authority consenting, had been enough without him*: Yea, he affirms, *that the place*, Numb. 30. 4. *were it granted to comprehend Magistrates and people, maketh nothing against the Covenanters, but very much for them, seing they had the unalterable consent, as is imagined tacit or expresse, of both the King, the Father and the Son.* Tedious it were, to set down all his words, but what he saith in his replies, is fully taken off by these following considerations.

1. That although relation betwixt Princes and Subjects, Children and Parents, *&c.* is not of that same specifical manner, nor equally indissolvable; yet, so long as we continue under the Government of Princes and Magistrates, we are every way as strictly oblieged by the fifth Command, to pay all our duties to them with thankfulness, and to obey them in things which God hath given them power to command, as we are bound to do our relational duties to our natural Parents, in things we are subject to them.

2. Although the names of Princes and Magistrates and Subjects, be not expressed in this Text, *Numb.* 30. 4. literally; yet the *Apol.* should know, that what can by rational consequence be deduced from Gods Word, is Gods Word as well as what is more expresly uttered, *multa sunt in sacra Scriptura quæ non dicuntur*; the Scripture is not to be straitned in the sense of it, and this *Apolog.* doing so in this place, should beware of homologating with the *Socinians*; who affirm, that because Rulers and Magistrates, are not expresly mentioned in the fifth Command, that therefore, it was not the Law-givers intention to include them therein, or by vertue of that Law, to allow them any

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3. The *Apolog.* without ground, slights the argument taken here from the analogy and parity of reason, which is so well and evidently grounded by the Law of Nature and Reason, teaching us that point of righteousness, commanded in the fifth Command, to give the Magistrate his due honour and obedience in things wherein we are subject to him, as well as to give due respects to Parents and Husbands: Neither is there any Divine of sound judgement, but doth acknowledge the strength of the Analogical argument from this place, albeit this man proudly lifts up his horn against them all, as before we have shewed.

4. Although all due respects according to our Laws and customs, are to be given to the honourable and high Court of Parliament, and it is treasonable any way to diminish the authority which that great Court hath allowed to them, by our Kings and Laws; yet, that they should be sharers in the *Supream Soveraignty*, (as this man loves to speak in a foolish solecisme, who can conceive of a Soveraignty not Supream) as they do not claim it themselves, accounting and calling the King their *Soveraign Lord*, even in their Parliamentary capacity, and while they are acting as such: So, it is without ground to assert, that they by themselves and separated from the King, have power to make Laws, for imposing Oaths upon Subjects; never was there any Law, or practice of any such thing in this Kingdom, from its first foundation: and although this man would flatteringly attribute this power to the Parliament, without the King, which he denys to the King without the Parliament: Yet, when Parliaments do cross his party, he gives them that same measure of disrespect, that he gives to the King; crying up the *Subjects liberty*, and striving to set the heels of the State, above both head and shoulders, seditiously stirring up the dregs of the people, both against King and Parliament. It is to no purpose, that he alledgeth *the Parliaments legislative power* to prove their sharing in the Soveraignty; and his proofs are too weak to evince their legislative power, as separate from the King (which if he prove not, he saith nothing to his purpose) that the Parliament is said, *to statute and ordain with their Soveraign Lord*, as it proves no seperate power without him, to bind the Subjects with Statutes (suppose, that were the usual and commendable stile of that Court) So it is untrue, that it is the allowable stile of that Court; however, in some ancient times, Clerks have varied the stile, through inadvertancy; or some Clerks have in later times, upon design to diminish the Kings authority, have altered the laudable manner of delivering the

Acts,

Acts, which hath been and is, *our Soveraign Lord, with advice and consent of Parliament, ordains*, &c. The legislative power of ordaining and making the Law, is in the King, though their consent and advice is requisite thereto and though the Acts be called *Acts of Parliament*, because advised by them, postulated by them, in the name of the people whom they represent, enacted in their meeting, and given out to the Subjects by their deliverance; yet, that makes nothing to prove a *legislative power in them*, more then when acts of a Lords or Barrons Court, are called the acts of the Court, it will prove that all the Vassals and Tennants have an equal power with the Barron in making them; and it would be remembred in our old Laws, that the stile often was, *vult Rex, statuit Dominus Rex*, and the Laws more ordinarily called, *statuta Regis*, the Kings Laws: And whereas this man saith, that he had said enough before to prove the power of Parliaments over the King, yea, in making Laws: he indeed said enough before to shew his own evil mind against the King; but he hath said a great deal too little, to make any other to be of his mind: our Laws if we will believe them, do cry aloud, *that the King hath no Superior in his Kingdom, but God the Creator of Heaven and Earth*, Regiam Majest. lib. 1. cap. 1. *That he hath royal power and authority, over all the Estates of the Land, as well spiritual as temporal: that he hath soveraign Authority, princely Power, royal Prerogative and Priviledge, over all States, Persons and Causes*, Parl. 8. James 6. *Act* 2. *Par.* 18. *Act* 1. which Laws, this man going about, *pag.* 125, 126. to expone, as if they were only *complements and fair Court-flourishes, and that at most they only give power to the King over private persons*; he incurrs the punishment of these that deprave the Kings Laws, and call his Prerogative in question: So, the Covenant at the taking of it, wanted a *Legal authority*; for if, as he saith, the King can make no Laws without the Parliament, so neither can they as separat from him, make any Laws to bind the Subject, he being the fountain of all that political legislative power, that may be said to be competent to them; neither was their appointment sufficient for imposing it, as he saith.

5. That the extirpation of Episcopacy is a moral duty, to which we should advance, whether the Magistrate will or not, upon after tryal shall be found untrue.

6. The place, *Numb.* 30. 4. doth not equally interest the Pagan Magistrate with the Christian, in the engagements of Christians relating to indifferent matters, particularly touching their Religion, as this

man would importunately infer; *averring them to be alike essentially Magistrates, and if the one hath power about such matters concerning Religon, the other hath it also, the Law making no distinction*, Non est distinguendum, ubi lex non distinguit, saith he; but as he should know, that the Law doth not found equal right to Parents or Husbands, who are frantick toward the engagement of their inferiors, with such Parents and Husbands, who are of sound understanding (the Law being given to creatures, supposed to have the actual use of reason) So, there is not to be equal respect and dependency upon the Pagan and Christian Power, in the proper matters of Christian Religion; the Pagan power, being as to these things under a sort of spiritual frensie, of infidelity for want of Christian light and grace, which suspends him from the exercise of his power toward the matters of Christian Religion, until God work a change.

7. Whatever liberty a Church may have in determining anent things indifferent in Church-government, without the consent of the Supream Magistrate, where he is not Christian, nor careth for Christian Religion, but hateth, opposeth and persecuteth the same: Yet, we affirm, that when the Magistrate is Christian, the Church in his Dominions ought not to determine anent things indifferent, touching Government, and to engage the people in general by Oath thereunto, without his express consent, he being according to the Scriptures, ὁ ὑπερέχων, *the Supream without exception of causes or persons*, and being the chief keeper and guarder of both tables of the Law, having power by his Laws about the indifferent things concerning the first table, to guard and promote the observation thereof, as well as he hath undoubtedly the like power in matters concerning the second table. Neither is this *Apo.* to be heard when he saith, *that if the Church have not as much power anent these matters, under the Christian Magistrate, without acknowledging him, as under the Turk; that therefore, the Turk were a better friend to the Church, then the Christian Magistrate, and that she were in better condition under him, then under the Christian Magistrate.* This hath been a very strange transport of the mans spirit, that he would so undervalue the benefit and mercy of having the Christian Magistrate, under whose wings publick incouragement and liberty, maintenance and provision, protection and defence is allowed to the Church; that if the Church have not liberty to do in things indifferent, touching government, without the Christian Magistrat's consent; it should be thought better living under the great Turk then him, and that the Turk were a better friend to her

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then he: But what needs this insisting upon the Churches consent to the Covenant, as sufficient without the Magistrates (although it be observable, that in all religious Oaths, imposed upon the people of God of old, the Church of *Israel*, never was there any publick Oath imposed, without the civil powers expressly consenting thereto) seing as it hath been said before, the Covenant was not warranted by any Judicatory in this Nation, which had by themselves power to make a Law for such a thing; So, it had no lawful Church-warrand antecedently to the imposing of it (a thing which hath been little adverted to) for, albeit the General Assembly, 1643. did approve of a Covenant, which was not Printed nor made known to the Church, but sent to *England* to receive alterations there, from whence it was returned, considerably altered in the first two Articles thereof; yet it had never (we speak now of the Solemn League and Covenant) any antecedent approbation with these alterations, by the authority of our General Assembly, but was with these alterations, imposed by a Commission of the Church, upon the whole Church; a work too great for them to have done, and for which they had no approbation in the succeeding Assembly: for verifying these things, we appeal to the Registers.

8. Supposing the Oath of the Covenant as to Episcopacy, to be about a matter indifferent (as the *Apolog.* is willing to suppose) certainly the Superior's right is prejudged, both in the swearing and in the prosecuting of the Oath; for, the Oath, *ingaging to the extirpation of what he owned, and that by laying forth lives and fortunes upon it, against all persons whatsoever, without exception*, could not but be injurious to the Superior, to whose pleasure the matter of the Oath should have been submitted, as to these things of an indifferent nature; and the prosecution of the sworn endeavours, against his declared authoritative dissent could not be but more injurious; *Ex. g.* If a Wife or Children in a family, should make vows for altering matters in the family, or disposing of what were in the Parents or Husbands power, and should upon their known dissent, prosecute the fulfilling of these vows; in that case, a double injury should be done to these Domestick Superiors; one, in that no submission was reserved to their pleasure in making the vow; and another, that contrary to their declared will, the performance of the vow is prosecute. So, was the matter in the case of the Covenant, betwixt the King and his Subjects; neither helps it any thing at all to say, *that the Subjects did not prejudge the right of the Magistrate, because they only swore to endeavour such and such alterations in their places and callings, which might have been*

without any attempt to do these things, Without the consent of their Superiors: For, if the man would speak his conscience, he would plainly confesse, (as *Napht.* plainly doth) that that clause of the Covenant, *We shall indeavour in our places and callings*, &c. was not put in to reserve any right to the King in these matters, who is comprehended amongst the generality of [*all persons whatsoever*] against whom the extirpation of Prelacy, with the hazard of lives and fortunes is sworn; but, it is only put in to preserve order among themselves, in opposition to the King and to the Episcopacy which he stood for.

9. It is a strange paradox to say, that the place, *Numb.* 30. 4. maketh much more for the Covenanters then against them: and that according to the Writer of the *Case*, his own glose thereupon, the *Apolog.* alledgeth, *That the late King of blessed memory ratified the Oath, because,* 1. *he held his peace, and declared not his dissent openly at the taking of it.* 2. *Or if he did declare it, it was not presently the same day he heard of the Oath.* And, 3. *his dissent was not constant; for, he gave his after consent in his Soliloquies, saying, That good men should offend God and him least in keeping the Oath.* To which things we say, that the late King of glorious memory did declare openly his dissent to the Covenant, by Proclamation at *Oxford*, the 9. of *October*; and for any thing the *Apolog.* can say to the contrary, this might be done either before or the same day that the Oath was taken; for, it had been printed at *London* by order of the House of Commons, upon the 21. of *September* preceeding, but was not taken several dayes after: So that, considering the distance of place and troubles of the time, it was no strange matter, that for the space of eighteen or nineteen dayes and less, report of it might not come to the King, and for any thing that can be said to the contrary, his Proclamation either did antevert or triste the taking of the Covenant at *London*. Neither is Mr. *Croftons* censure of the Proclamation, as being breach of priviledge of Parliament, or as being done without the Kings Council, to be regarded; the man was a more busie medler in censuring the Kings wayes, then became a Church-man. Many things in these dayes were hooked in under the notion of breach of priviledge of Parliament, which wise Lawyers could not see to be such: Nor can he prove, that the King did emit the Proclamation without the advice of his Council; nor that the Parliament sitting should deprive him of making use of his Council, or that it is breach of their priviledge to declare against so open breach of his own priviledge, as was manifest

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in carrying on of that Covenant without and againſt him. Nor doth it at all ſatisfie to ſay, *that the Proclamation did not annull the Act concerning the Covenant, but only inhibite it, and that it did not concern us in* Scotland. For, as to the firſt of theſe, the Proclamation ſtanding unrepealed, was not only an inhibition of the taking of the Covenant, but an annulling of it, by his diſſent ſo far, as the diſſent of the Superior could be valid; it not being retracted, it imported his continued diſſent from the ſame: *ex. g.* If a Husband or Parent inhibite the Wife or Child; now the inhibition not being retracted, containeth ſufficiently their diſſent from it to make void the ſame, though afterward there were not further opportunity to declare the diſſent. And as to the ſecond, that that Proclamation did not concern us in *Scotland*, is not true; for, it is directed *to all his loving Subjects*, who were laboured upon to be drawn into that Covenant; and our Commiſſioners from *Scotland* were in the mean time tranſacting the buſineſs at *London* with their party there, and were bound in Loyalty to communicate the Kings Proclamation to the people of *Scotland*. Albeit in that juncture of time, when the Scots were geting up in arms againſt him, he judged it not fit for him to ſend his Proclamations to *Scotland* to meet with contempt; yet, after they invaded him, he teſtified his real diſſent to their courſes, by armed oppoſition in the fields. But, there is no ground from his *Soliloquies* to ſay, *his diſſent was not conſtant* (though it be good, that now theſe *Soliloquies* are confeſſed to be his, which formerly was denyed by the leaders of the Party, who being unwilling to honour him to be eſteemed Author of ſo excellent a Peece, put it over upon ſome one or other of his Majeſties Doctors or Chaplains) For, as he did in theſe plainly diſallow of the *Covenant*, eſpecially of Presbytery; So, all that he ſaith in theſe words cited, is not that in cleaving to the Covenant there ſhould be no ſin, but that if any honeſt minded (of whom he judged charitably) could not find themſelves looſed from the band of the Covenant, yet, *they ſhould leaſt offend God and him both*, if in proſecuting the ſame they ſhould abſtain from unlawful means and wayes, ſuch as he thought *rebellious inſurrections* againſt *lawful Authority*, no other ſenſe do his words bear: But, ſuppoſe they did bear a clear conſent to the ſame; yet, the words are not to be looked upon as uttered by him in *the capacity of our Superior and King*; for, at that time he was deprived of all his Royal Priviledges, and a priſoned oppreſſed man, waiting for the ſad fate that inſued. The party were wont to diſtinguiſh between the King as a man, and as a King, whereof ſome uſe

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may be made here, these *Soliloquies* not coming from him in his Royal capacity.

10. *That the late King* Charles *gave either tacite or expresse consent to the* Solemn Covenant, is a bold assertion upon very weak grounds. The tacite consent the *Apol.* would assert from this, *that some years before, he consented to the abolishing of Prelacy in* Scotland, *and therefore it might be probably presumed, that had his consent been asked for the extension of the engagement to the* Solemn League and Covenant, *it would not have been refused.* Nothing shall be said of that consent given by his Majesty for laying aside Prelacy in *Scotland*, though the world knows, it was such a consent as Merchants or Mariners give for casting their Goods over-board for avoiding a ship-wrack; or which a Captain of a Castle giveth for rendring thereof, when he findeth it no longer tenable; or rather like the consent that *Moses* gave to the Law for the bill of divorce, which was permitted because of the hardness of the hearts of the people of *Israel*. That good King being at that time besieged with an unhappy juncture of huge difficulties, the flame of the begun war in *Scotland* not well quenched, but smoaking, and a new flame of war ready to break forth in *England*, did yield to such things (as afterwards was matter of regrate to him) because of the indisposition of his Subjects at that time, to relish what he allowed of. His true and settled judgement concerning the abjuration and abolition of Prelacy, may be seen in his discourses and practice of his whole life, especially in his Reasonings at the *Isle of Wight*, and his *Soliloquies* when he was in the sight of death, and upon the borders of eternity. So that the *Apolog.* needs not talk much upon that ground of a tacite consent, that the King gave to the *Solemn League and Covenant*, seing that notwithstanding of all he did in *Scotland* at that time, none of the people of *Scotland* could in their conscience say, that it was any way probable that the King was willing to abolish Episcopacy in his other Kingdoms; but upon the contrary, the greatest probability in the world to presume, that he would utterly dissent from such a thing. But, it is a hight of impudence for the *Apolog.* to assert, *That the Covenanters had the Kings express and formal consent unto the thing that was vowed and promised in the* Solemn League and Covenant, and that because there was an Act of Parliament made in *Scotland* by King and Parliament *against the Prelates.* This is a strange peece of suttle Logick, to argue from the Kings consent to lay aside Prelacy in *Scotland*, that therefore he gave express consent to extirpate it also in his other Kingdoms; this is a rare no tion,

notion, and worthy of one that fights against the Truth. If I consent, under a great tentation of fear, that a robber shall take my cloak, may he follow me (when I am out of his hands, and in a legal capacity to defend my self) and pursue for my coat and shirt also, even to my skin; pleading, that he hath my tacite or expres consent for what he demands, because I had yielded him so much already and given my cloak? It is supposed the *Apolog.* would think the plea of a tacite or expres consent in this case (if it were his own) very groundless, and it is no lesse in the other case.

11. No expositon of Scripture is to be allowed, which is contrary to the moral Law of God, and to the principles of sound Reason; or which directly gives encouragement to any in sinful courses. If Wives or Children, putting the Husbands and Parents in firmance, under restraint, or depriving them of their worldly comforts, or the liberty of their own house or goods; should thus extort a consent from them to their vows, it were not to be thought, that this Text should favour such undutifulnesse, giving to these inferiours an irrevocable ratification of their vows, as *præmium celeris*. Although the Law seems to make no distinction between consent fairly obtained, or whatever way obtained; yet, the Law is supposed to speak of Superiors, as acting in the capacity of Superiors, and not as of oppressed and forced persons. And who can imagine, that it is the mind of God (who in his Word commands the dutiful obedience to be given by Wives and Children to their Husbands and Parents) to allow to undutiful Children and Wives forcing and affronting their Husbands and Parents, that priviledge, that whatever consent they can carry that way from them, shall be an irrevocable confirmation of all their vows? were not this a way to encourage all inferiors to villanous violence against their Superiors? and to subject Husbands and Parents to the tyranny of their inferiors? It was not Gods mind in this Text to allow equal priviledge to inferiors, acting undutifully toward their superiors, and to these who act dutifully; and although expres distinction of this is not made here in this Law it self, yet by comparing it with other parts of Gods Word, which guards the honour of Superiors; a distinction must be granted, as when the Apostle *Paul, Tit.* 2. 9. bids *Titus exhort Servants to be obedient to their own Masters, and to please them well in all things.* If one should say, *Lex non distinguit*; Ergo, *non est distinguendum*, or that Servants should absolutely please their Masters in every thing without exception, because the word there beareth no exception, he were too absurd; because, elsewhere Gods Word, as well as the light and law

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of nature, limits the generality of that obedience; it is even so in this case. The *Apolog.* is highly injurious to Superiors, and too much favoureth the undutifulness of inferiors to them, while he asserts, *that whatever violence be used upon Superiors for extorting their consent, yet that consent must be an irrevocable confirmation of the inferiors vow*; and he is absurd in saying, *that if a forced Oath must oblige, the matter being lawful, much more a consent to an Oath, must stand though extorted with fear*, pag. 268. For it is manifest, that the obligation of a consent, is not so binding as an obligation of an Oath; for the obligation of an Oath, concerning matters lawful, however obtained by fear, or fraud, or force, it stands oblieging; but a consent so obtained, may be revoked. It is too much undervaluing the band of an Oath, to say, *a meer consent forced, is much more binding then a forced Oath*. Is consent to an Act of Parliament more binding, then when the very matter of the Act is sworn to? Or, is a mans meer consenting to give his daughter to a suiter, more binding, then when he gave his Oath to that purpose? the *Apolog.* is worthy to be hissed at, for such dictates.

12. It is an unpleasing business, to reflect upon the usage which the Kings Majesty who now Reigneth had, untill he gave his consent to the Covenant; whatever was the guiltiness of a prevailing party, yet such things are not to be looked upon as National stains, the purgation being sufficiently made by the late Parliament. If some had banished him and deprived him of all his worldly comforts, others kept him in that condition, till they might drive him to their mind; and it may be a question, whether he that drives a man into a water, or he that holds him in and keeps him down into it, be most accessory to his hard condition and danger of drowning? Some, whom this man now when they are under the hatches, calls *Covenant-breakers*, though when they were flourishing, were his and the parties dear Brethering, cleanly Saints, upon whom no foul finger of a Malignant (as faithful Countrey-men were called) might be crooked, nor any opposition made to them by such, no not in defence of their Countrey, Inheritances, their Wives and Children; and to whom offers were made in writ, *that the feet of the Saints should be washed, if so be they might be impowered over their bretherine*; Some I say, did murther the late King of blessed memory, when others had put him in their hands, having fled in to them for protection, as a chased Partridge, without sufficient security to his Person and Honour: Some thrust out the present King, others barred him out, resolving to continue his deprivation of

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his Crown, and all his earthly comforts, untill they had their will in the matter of Episcopacy, as if all Religion depended on that as the main hinge; which of the two is most guilty? As for the bringing home of his Majesty to *Scotland*, which this man imputes to the conscience of the Covenant moving thereunto; it is really believed, that the people of *Scotland* had so much sense of their duty and love to the King, that had the Covenant never been in *rerum natura*, they would have brought him home with more freedom, honour and safety, then he had at his coming; but it is very disputable, if conscience of the Covenant influenced his home-bringing (as to some of the main actors therein) or if the fears of a rising party, pearking up above the interests of great ones, and aiming at a Common-wealth model, without King and house of Lords, as *Oliver* had exemplified in *England*, did most influence the councils of bringing him home; these great interests not being possible to be salved and setled without the same: But it is too well known, that Ministers and others, who would be esteemed chief Covenanters, were impatient to hear of his home coming upon any terms; and therefore, in word and writ, poured out reproaches upon these who were imployed in *Holland* to transact that business, as men deserted of God, for coming to any close with the Kings Majesty. As to the *Apolog.* ill language to the Author of the *Case*, calling him a shameless man, because he had said, that the Covenant was carryed on, as if the design *had been laid to extirpat Episcopacy, whether the King would or not, and whatever course should be taken to obtain his consent* vi & armis; a thing so notour, that he must needs be superlatively impudent that will deny it, there being such clear Comentaries upon the design of the Covenant, in violent actings against the King presently following, and to which people were pressed, upon the account of the Covenant, as being thereto oblieged by it: and although before the solemn Covenant, Prelacy was out in *Scotland*; yet, will this man say, that the design of the solemn Covenant was not so laid, as to carry the extirpation of Prelacy in *Scotland*, *vi & armis*; and whether the King would or not, if it should be restored? And as it is now in the present state of affairs, it is easily believed, that this man and his party do account themselves bound now by the Covenant, to extirpat Prelacy in *Scotland*, *vi & armis*, and whether the King will or not: and he is a very shameless man, if he affere the contray. But the *Apolog.* will justifie the suspension of the King, from the exercise of his royal power, untill he took the Covenants, albeit his friends, *Timocus* and *Crofton*, who were well enough in-

formed of the proceedings in *Scotland*, did declare againſt the unduti-ful dealing uſed toward him at that time. That there is any Law of *Scotland*, allowing the ſuſpenſion of our Kings from the exerciſe of royal authority, untill they had ſubſcribed the two Covenants, is moſt untrue; for albeit, Parliament 1. Act 8. *James 6.* there paſſed an Act, when King *James* was in his Cradle, (*not injoyning the King*, as he ſaith, for the Act paſſeth in the Kings own name, with the advice of his Regent and Parliament, and it is abſurd to ſay, the King enjoyned himſelf) Bearing, *that Kings and Princes in this Realm, ſhould at their Coronation ſwear to maintain the true Religion of Chriſt Jeſus, and govern the people according to the allowable Laws*, &c. But that there is any certification in the Act, for their ſuſpenſion of the exerciſe of royal Government, untill they did ſo, appears not from the Act, nor from the after practice: King *James* the ſixth never took that Oath, nor was he therefore debarred from the exerciſe of his royal Power: King *Charles* the firſt did reign eight years actually before he took that Oath (if he did at all take it) The firſt practick of ſuſpending the King or any thing like that, from the exerciſe of his royal Power, untill that Oath were taken, was in King *Charles* the ſeconds time; nor need we ſay more of it, ſeing the late Parliament hath declared, that what was done in that kind, was done againſt Law: But moſt ſtrange it is, that the *Apolog.* ſhould affirm, *that the other two Oaths impoſed upon the King without Law, were not different from that Oath mentioned in Parliament.* 1. *James 6.* It was never conceived by our Kings and Parliaments that Epiſcopacy was abjured by that Oath, as it is in the two other: far leſs, that any thing ſworn in it, oblieged to the extirpation of Prelacy in *England* and *Ireland*, which is the deſign of the Solemn League and Covenant: nor cannot be with any ſhew of truth aſſerted, that King *Charles* the firſt, if he took that Oath mentioned in the Parliament, oblieged himſelf to extirpate Epiſcopacy out of all his Dominions: Princes are in a very hard taking, when ſuch men as this will take on them to overſtreach their Oaths beyond their words and mind; and although that Oath enacted in Parliament, doth import a ſwearing to rule us according to our own lowable Laws; yet, that could not lay a band upon the King, for taking the Solemn League and Covenant, anent which no Law had as yet paſt; for, the meetings of Parliament, without the Kings authority, though they had been lawful, as now they are declared to be null, could make no Law by themſelves to obliege the Subjects, let be to obliege the King, eſpecially in reference to his other Kingdoms: There was no Law, nor any warrand

rand at all to impose upon the King any Oath, that such and such Laws should be unalterable, otherwise to debar him from his right, if he would not enslave his conscience to their will; yea, it may be said, that these posterior aditional Oaths imposed on him, did contradict the Oath mentioned in the Act of Parliament: for, therein our Kings are oblieged, to *preserve and maintain the just rights and priviledges of the Crown of* Scotland, *and not to transfer and alienate the same*; and if the suffering of Subjects to impose new Oaths upon him, do no way hurt the priviledges of the Crown, and alienate the same to Subjects, who had no calling for doing such matters, it is left to the wise to be considered of, and were to be wished, that instruments of such irregular actions and impositions upon the Prince, might have no less resentment of their wayes, then it is believed, his Majesty hath of his condescentions: It is a clear case, that an Oath contrary to former lawful engagements, loseth its oblieging power.

13. As it is certain, that the Law, *Numb.* 30. 4. is partly moral, *viz.* in so far as concerns the power of Superiors over their inferiors, and the duty of inferiors to their Superiors; yet, it is as certain, that it is not purely moral, but mixtly judicial and moral, there being somethings in it which are not *juris naturalis*, as there be other things that are: *e.g. That the Superior should in the very same day that he heareth of the inferiors vow, testifie his dissent; that the Oath is confirmed by the silence of the Superior, that same day of his hearing it; That a consent once given, cannot upon most reasonable grounds be afterward revoked; that no further time of deliberation was granted to him, but that same day that he heareth of the vow.* Who can say, that these are the dictates of the Law of Nature? If a Husband or Parent, hear of the vows of their inferiors, at the distance of many miles from him, and it being morally impossible to testifie his dissent that same day that he heareth of the vow, shall it be therefore confirmed? Or, doth Natures Law teach this? If the Superior shall in the edge of the evening of that day, wherein he heard his inferiors vows, being under some distemper, perhaps through drink (which yet is not at that height to take away the use of reason) consent under a surprisal to the vows of his inferiors; should this be an irrevocable confirmation of the vows, were they never so prejudicial or destructive to the family? Doth the light and law of Nature teach this, that, if the inferior should violently stop the mouth of the superior, and so make him silent; or if he should morally force his silence, this silence must irrevocably confirm the vow? This Law certainly, as

many others, is neither meerly moral nor meerly judicial, but is mixt of both, God leaving it to the spiritual discerning of his people, to try by comparing Scripture with Scripture, what is of perpetual and moral equity, and what not; and so it is an error both in the *Apolog.* to hold forth that Law as *meerly moral*, pag. 370. and in the Author of *Naph.* to call it *meerly judicial*, pag. 61. where any may see these two Witnesses by the ears contradicting one another, and both of them losing the truth; although *Naphtali* strayeth most from it, in denying the argument taken from analogy betwixt Domesticks and other Superiors, which the Learned with full consent grant to be valid.

14. *It is worthy to be enquired*, if in any case the inferior or subject can be loosed from an oath made by him, concerning matters within the power of the Superior, by the Superior's retracting his consent, he having also sworn the very same thing which the inferior hath sworn: As, *ex. g.* a Daughter swears to marry such a Suiter, the Father once consents, yea, and swears he will give his Daughter to such a Suiter; whether can he in any case retract his consent? or if he doth retract it, doth not this loose the oath of the inferior? The Writer of the *Case* did in a word touch this, in reference to Magistrates and Subjects; asserting, that if the Magistrat's oath were not loosed upon good grounds, he having sworn the same thing which the Subject did, his consent would prove an irrevocable confirmation of the Subjects oath. Hereupon, the *Apolog.* after the manner of his party, behaveth himself insolently, inviting his friends to come and laugh with him for the advantage he hath gotten, and saith, *Now the Writer had yielded all, and had made an ominous stumble in the threshold, and sent away this* Case *with shame.* But, whoever rightly considers will see, that he is but singing the fools triumph before the victory: his laughter wherein he would have his friends to share, is but like the fools laughter, *cracklings of thorns under a pot*, or a *risus sardonius*; which if he had sense he would spare, and rather weep over the crushed head of his craisie cause; for, what the Writer said, subsists upon good grounds against all his weak assaults, and giveth no advantage to him or the cause he pleads for, when he said, That the Superiors consent was not revocable, he swearing the same thing that the inferior did; unless there were some clear ground of loosing the obligation of the Superior's oath. Did not this import, that if there were clear grounds for this, the consent might be revoked, and so the inferior's vow be not binding? And although the Writer was modestly shy in searching these grounds whereupon Superiors do find themselves loosed from

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that oath; it being the concernment of Subjects rather, to consider whether matters are in their power or not, and whether they at present dissent from their engagements, giving charity to them that they act as men of conscience fearing God, in such grave matters; yet, as he doubts not there may be good grounds for Superiors to find themselves loosed from the bond of that oath, whether the unlawfulness of the matter thereof, (though not perceived perhaps by Subjects) or discerned contrariety to former lawful engagements, or grievous inexpediences and hindrances of greatest duties resulting, or some sense of contrariety of the engagements to a mans calling, or some injurious effects upon others, besides what other things in their own deeper judgements are satisfying in that matter. So he thinketh, Subjects are not bound to pry into these things, or to call the Magistrate before their bar for his actings, wherein he is accountable to God and not to them; but, it is material for them to consider if the thing be in his power, and if at present he hath declared his authoritative dissent from their way. In the mean time, though Subjects may obey present Laws that are in the matter of them warrantable; yet, if without most mature and wise deliberation and great cogency of sound reason, there be a desultorious levity or profane playing with oaths, either shaking them off, or retracting consent to them, the guiltiness is very grievous. Thus we close the first case, wherein the *Apolog.* is but like clouds and wind without rain, boasting of his advantage as a conqueror in his own conceit.

But, we passe on to the second ground laid down by the Author of the *Seasonable Case*, to shew that the obligation of the oath of the Covenants, as to Episcopacy, ceaseth; which was this, *That when an oath, lawful to be taken, becometh unlawful to be kept upon some emergent occasions of providence, then the state of the matter being so far altered, that what was lawfully promised cannot be lawfully performed, because of these new emergencies; then the obligation of the oath ceaseth, and it is not perjury not to do what was under oath promised to be done.* *Res non permanet in eodem statu* (say the Casuists) *ideo cessat juramenti obligatio.* Amesius. cas. conse. lib. 4. pag. 203. *De rebus ita mutabilibus ut rem promissam faciant illicitam subintelligitur in juramento, si res permanserint in eodem statu.* And as to the matter in hand, whatever lawfulness there might be in the oath against Episcopacy; yet now, when the King, under whose power the disposing and ordering thereof is (as hath been all alongs supposed on all hands in this dispute) hath by his Law determined for it, and

we being oblieged to keep his Laws in matters not againſt Gods will, and not being able to croſs the ſame without ſin, it is now become unlawful to perform the oath, a contrariety reſulting betwixt it and the Magiſtrat's juſt Law, which by vertue of Gods Law we are bound to obey. Againſt this, the *Apolog.* replyeth in nine or ten particulars, which ſhall be briefly taken off by the following conſiderations.

1. That whether he will grant or not, that Epiſcopacy is a matter of indifferency or chriſtian liberty, determinable by the Magiſtrat's Laws; yet, as it will be found upon examination, that his grounds are too weak to prove it unlawful, So it is certain, that the moſt part of the ſcruplers in *Scotland* did ſtick at the oath, and not at the known unlawfulneſs of the thing in it ſelf: and with theſe did the writer of the *Caſe* reaſon the indifferency of Epiſcopacy as to the matter of it, being ſuppoſed, as all alongs alſo the *Apol.* is content to diſpute upon that ſuppoſal.

2. The matter of a promiſſory oath may be either *res præcepta*, a thing otherwayes commanded, or *res non præcepta & adiaphora*, a thing not commanded or of an indifferent nature: duties commanded may be ſworn to fix our light and inconſtant hearts, that they do not ſo readily ſtart away from their duty, and according to the nature of the duty, being commanded of God for ever, ſo is the oath perpetually binding upon the conſcience, as a voluntary band ſuperadded to Gods command: but when matters are of an indifferent nature, and at ſeveral times there may be expediencies or inexpediencies of uſing theſe indifferent things varying according to circumſtances, Chriſtians are not to intangle themſelves in oaths of that nature, with intention of perpetual obligations in all circumſtances, or whatever might be the future expediency of things which are for preſent inexpedient. Though an oath made againſt things indifferent, when they are found inexpedient, may be good and lawful, yea and binding during that inexpediency; yet, that it ſhall be perpetually binding in the caſe of ceaſing of the inexpediency, and of greater inexpediencies reſulting by performing the oath then otherwayes, cannot be granted. By this it may be eaſily ſeen, how injurious the *Apolog.* is to the Writer of the *Caſe*; aſſerting, *that he labours to baniſh out of the World, that part of religious Worſhip to God, Which ſtands in reverend ſwearing by his Name*: For, as he never thought nor wrote, that oaths concerning neceſſary duties were needleſs, or that oaths about things indifferent ſhould not be made; So it cannot be gathered from his words by any tolerable conſequence, though this man that makes lies his refuge, would labour to bind it upon him.

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3. As it cannot be said, *that no oath binds Which is against the Laws of the Land* (a thing falsely imputed by the *Apolog.* to the Writer of the *Case*) So it is true, that some oaths which are against the Laws of the Land do not bind, because none can be bound by any oath to disobey the Magistrate in that which God hath given him power to command; for, so the oath should be *vinculum iniquitatis.* It is true, where a man hath tyed himself by oath against civil Laws which are meerly penal, not directly preceptive, he may be bound by his oath, only he must submit to the penalty; as if a man had sworn never to be a Magistrate in such a Corporation whereof he is a Member, whereas there is a Law, that whoever refuses, shall pay an hundred pounds, he ought to keep his oath, and by paying the penalty he fully satisfieth the Law, and is not guilty of any sinful disobedience in not taking on the Magistracy. For, where there is no precept, as here it is supposed there is none, there can be no transgression: but, when the Law is not *purely penal*, but *directly preceptive* of duty, no mans oath can bind him up from doing what the Magistrate commands, if it be lawful. Neither should any man think, that he either fully satisfieth the Law by undergoing the penalty, or can satisfie his own conscience anent his unreasonable disobedience to the preceptive power of the Law, though he pay the penalty; for, the proper and genuine end of the Law is not the punishment, but the obedience of the Subject. *Timorcus* himself confesseth, *cap. 6. pag.* 28. that it must be granted, *that in some cases, oaths against civil Laws must be made void*; and he must mean of oaths anent things of an indifferent nature: for, if the matters be necessary and commanded, the oath concerning them, though contrary to civil Laws, can never be made void; and if matters of the oath be unlawful, it is absurd to say, that *in some cases* such oaths against civil Laws *must* be made void; for, *in all cases* these oaths are void, whether civil Laws are against them or not: Yea, further he saith, *pag.* 30. *an oath taken against humane Laws, which necessarily tend to the preservation of Government and tranquility of the civil State, is forthwith void.* Now, in application to the present matter, our Law-giver, and Governors to whom the judgement of what is for tranquility of the civil State belongs, have judged Episcopacy needful for the same, and made Laws for it; therefore, any oath contrary to it, must upon *Timorcus* ground be made void.

4. It is in vain for the *Apolog.* to think to put us off with bare assertions, that the Laws for Episcopacy are unwholsome, as he speaketh, or that the contrary Laws were wholsome, and therefore that the oath

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against Episcopacy should stand: for the late Parliament, having judged the Laws for Episcopacy to be wholesome, and the contrary not so; we must therein acquiesce, untill substantial grounds be produced, for disproving their judgement, which will be done *ad Calendas græcas*.

5. *Though a Law not yet made, is not a Law*, as the Apolog. saith, pag. 374. *and so an Oath cannot be contrair to it, till it be made*; yet when it is made, a contrariety may result between the Oath and the Law; and a former Oath, standing against the matter of the present Law, is contrary unto it, as well as a subsequent Oath, and the ground whereupon a subsequent Oath cannot bind against a preceeding Law, is equally valid to make it good, that a preceeding Oath cannot bind against a subsequent Law, to wit, *the due subjection of every soul to the powers ordained by God*, which extends to every soul swearing in a matter under the Magistrat's power, before a Law be made, which crosseth the Oath, as well as to such as swear contrary to the Law after it is made: Neither is there any weight in that which the *Apolog.* saith, *That this opens a door to all perjury, and to cast loose all Oaths*, because, as he saith, *by this means when a man hath sworn to his own hurt, who would be gladly rid of his Oath, he hath no more to do, but acquaint the Superior, and he will make a Law to the contrary, and so is at liberty*; But certainly, the *Apolog.* over-lashes, in imagining that the writer of the *Case* had said, that by a subsequent Law, *all Oaths* might be loosed, which as he is far from thinking of, so it were too much ignorance in the *Apolog.* to assert, that no lawful promissory Oath, can be loosed or become not oblieging, through any occurrence in divine Providence or in humane Laws; it is too gross a tenet, though it be held out to the undiscerning vulgars, that, *whosoever promises and swears to do a thing, he is in all cases perjured, if he do it not*: But, the man had very base thoughts of Law-givers and Magistrates, to suppose them (in the instance he gives) so complyant with the corrupt purposes of private men, who had rashly sworn to their own hurt, that they should for their desire, frame their Laws to their will, upon design of loosing them from their rash Oath, which is to their hurt: this is the *Apolog.* rare notion, whereof all ages can scarce furnish one instance. Magistrates in making Laws, are to be presumed to design publick good, not the ease of private persons, who by their rashness have intangled and hurt themselves; it is the publick good which is only regardable by the Magistrate, in his Law-determinations temporal hurt is not to be respected, as to the effect of

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looſing an Oath; *Pſal.* 15. and in application to the matter in debate, the competition is not to be ſtated between our hurt and the keeping of our Oath, but between our duty in keeping our particular Oath, in matters ſubject to the power of the Magiſtrate, (when his determination proves contrary to our Oath) and our duty to the Magiſtrate, Gods vice-gerent, whom he hath commanded us to obey in things that he hath put in his power to enjoyn, to whom alſo antecedently to any particular Oath in other matters we have ſworn alledgiance and obedience: and there is better reaſon to charge this mans doctrine, as opening a door to all rebellion and diſobedience to Magiſtrates, then to charge our doctrine, for opening a door to all perjury; for, following his way when ever ſubjects ſhall hear of the Magiſtrates purpoſe of making Laws, were they never ſo wholſome, they may engage themſelves in Oath againſt theſe Laws, and ſo as he thinks, they ſtand evermore bound to diſobey him in his moſt juſt Laws; whoever will thus abuſe Oaths to cloak rebellion, or to delude Gods ordinance of Magiſtracy, and diſappoint the honeſt intentions of Rulers in Government, would remember, that God will not be thus mocked: As for *Doctor Sanderſons Teſtimony*, *Prelect.* 3. 16. wherein he ſeems to ſay, that an Oath, *wherein the matter of a ſtatute is expreſly ſworn to*, *muſt ſtand valid*, *though the ſtatute be removed*, which this man ſayes, *is enough for the Covenanters*: In the firſt part of that ſentence, that reverend perſon is point blank againſt the *Apolog.* for, he will have the obligation of an Oath to ceaſe, (meaning of things of an indifferent nature) when the ſtatute was abrogate; whereas, this man will have no abrogation of a ſtatute, contrary to an Oath formerly taken, to be of power to cauſe the obligation of the oath to ceaſe. And as for the ſecond part of the Doctor's words, which he takes hold of, *unleſs the very thing contained in the oath be ſworn to expreſly*, firſt he maketh the Doctor's words non-ſenſe, and cites them falſely, for what ſenſe can that have, *unleſs the matter contained in the Oath*, *be ſworn to expreſly*? Is there any thing contained in an oath, that is not ſworn to expreſly? But, he ſhould have ſaid, *unleſs the thing contained in the ſtatute*, *be ſworn to expreſly*, in that caſe that Doctor ſaith, though the ſtatute be removed, yet the obligation of the oath remaineth. But, it would be conſidered, how well it conſiſts with Government, that a ſtatute removed, and a contrary ſtatute eſtabliſhed, any private member of the Society or the Community, ſhould notwithſtanding, account himſelf bound by oath to the matter of the abrogated ſtatute: This ſeems

to be againſt the hypotheſis of the non-obligation of an oath, in matters under the power of the Superiour, where they teſtifie their diſſent.

5. This whole diſpute being concerning the obligation of the oaths of ſubjects, ſcrupling at obedience to their Legiſlators, it was impertinent for the *Apolog.* to tranſlate the matter to the Legiſlators, and to poſe the writer of the *Caſe*, anent *an open door, by which King and Parliament may eſcape perjury*: The Writer of the *Caſe* thought it not his concernment, to ſearch much into the Legiſlators motives in his actions, but to ſearch into the ſubjects duty in that juncture; the Legiſlator may have his own weighty reaſons of his actions, which concerns not us to know, for doing our duty: If the diſcerning of the unlawfulneſs of Epiſcopacy in it ſelf, or the unlawfulneſs of an oath, perpetually oblieging againſt it, whatever expediency or conveniency ſhould be found thereof, for the peace of the Church or Kingdom, the matter it ſelf being alwayes ſuppoſed of an indifferent nature, or if any other warrantable motive prevailed with them, to do as they did; yet the matter in it ſelf being ſuppoſed lawful, and the Powers being Judges of the expediency or inexpediency of owning the ſame, having alſo enacted it as the moſt expedient, private ſubjects are upon the knowledge of the non-repugnancy of the matter in it ſelf to Gods Word, to acquieſce upon their determination.

6. It is a piece of wild Doctrine to teach, *that not only oaths antecedent to a Law, and contrary to a matter thereof, do obliege againſt a Law; but alſo that oaths againſt a ſtanding Law, for endeavouring a ſubverſion thereof are lawful, and doe obliedge, if the Law be but griveous and burdenſome, and the obedience thereto not ſinful.* What a civil Government ſhould we have, if ſuch doctrines were reduced to practice? This man counts it an innocent matter, for private ſubjects to combine in an oath for ſubverſion of the Laws, if but griveous and burdenſome, though the obedience thereof be not ſinful: neither ſatisfieth it, that he ſaith, *Apolog. pag.* 374. *That ſuch oaths for endeavouring the ſubverſion of the Law, are not againſt the Law properly, and that the dominion of Superiors, is ſufficiently reſerved to them, notwithſtanding the ſubjects combining by oath, according to their power to ſubvert the Law*: Are not endeavours to deſtroy a man, againſt a man? How then ſhould not endeavours to deſtroy a law, not be againſt a law? And how can it be, that a Magiſtrat's right, is or ſhall be reſerved to him, when his ſubjects combine by oath, to ſubvert his Laws, will he or will he not? Although they ſay, that they

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are only sworn to *endeavour in their places and callings* to do it; yet, that does not at all reserve or guard the *dominion of Superiors*, for when their combinations are grown to strength, they will look upon that qualification, only as a bond to keep them in order amongst themselves: in the mean time, all and every one will think it their place and calling, by any means to force the Magistrate from owning his Laws; Experience doth abundantly prove this, with whatever notions men please themselves or deceive others.

7. The case proposed and resolved by the Casuists, *viz.* that the obligation of an oath ceases, *quando res non permanet in eodem statu*, when the matter, concerning which the oath was made, abideth not in the same state, but there is such a change in divine Providence, concerning that thing, that what was at first lawfully promised, cannot afterward be lawfully performed, whereof examples were given by the writter of the *Case*: And the *Apolog. pag.* 374. is in an error, *saying, that the author mistooke the sentence of the Casuists, when he applyeth it to the purpose in hand*, the sentence was not mistaken nor misapplied to the present purpose; for, whatever lawfulness might be in swearing against Episcopacy, yet when a warrantable Law stands now against that oath, so that it cannot be kept without a perpetual sinful disobedience to the Magistrate, the matter abides not in the same condition, wherein it was at the making of the oath, and so the obligation ceaseth; and, it is no less impertinently then untruly said, that Prelacy is now the same when it was first abjured, and no more conveniency in it, then it was seen before: Yea, it appeareth worse, a deformed, abominable Monster, a Cockatrice, seeking the destruction of all within its reach, and therefore, if that rule of the Casuists hold, though we had before sworn to own it, that oath should not bind us; for, whatever he untruly saith of the present effects of Episcopacy, yet in regard that now there is Law for it, the matter remains not in the same case, which was whenas he thinks the Law was against it; neither are private subjects, judges of the conveniency or inexpediency of it, nor is the determination of that referred to them. What confusion should arise, if every private person should follow his own apprehensions, anent conveniency and inexpediency of things, whereupon the Magistrat's determination hath past, and accordingly order his practice? It is enough for private persons, that they discern no repugnancy to the Word of God, in the thing determined by the Magistrat's Law, wherein if they be well secured, they are to deferre much to the judgement of these set in autho-

rity above them, who have power from God to order things indifferent for the publick good. But, as for his declamations against Prelacy, we might pass them as words of carnal rage and passion, not of sober truth and reason: and were we pleased to retort the accusation, how easily and upon better ground might that be said of the Presbytery, which he saith of Episcopacy? Large discourses might be framed of the mischiefs flown from it, under which these Nations have smarted, and for which may be said, although we had been formerly engaged to it, yet the state of the matter being so changed, the obligation to it ceaseth. But these things we wave.

Finally, it is but a desperate shift for the *Apolog.* to dispute down this case of the cessation of an obligation of an oath, which is acknowledged by all Divines, from the oath made by *Joshua* to the Gibeonites, and the oath made by *Zedekiah* to the King of *Babylon*, which both he saith, behooved to stand, however the state of affairs was altered. As to the oath made to the Gibeonites, *Josh. chap. 9.* which behooved to stand valid, notwithstanding that after three dayes the deceit was made known, and so there was a change of the state of affairs; we say, that this comes not home to invalidate the condition disobliging from an oath, *si res non permanserit in eodem statu*; for, there is no such change of the estate of affairs by the discovery of the deceit, as made the keeping of the oath unlawful, which is the plain sense of that condition made use of by the Casuists: for, neither was there any Law of God against swearing to give peace to the Canaanites who sought it, nor against keeping of such an oath. The *Apolog.* indeed telleth us, *that there was expresse prohibitions to make any Leagues with the Canaanites, of which were these Gibeonites*, Exod. 23. 32, 33. and, 34. 10. Deut. 7. 2. and, 20. 16. and yet, saith he, *against this wholsome Law of God the oath must be keeped*; wherein he not only utters an untruth, but doth after the manner of these who are engaged in error, *proficere in pejus*. For, whereas before he had only maintained, that an oath binds against the wholsome and warrantable Laws of men, now he maintains, that an oath binds against the Law of God it self, which is indeed to make an oath *vinculum iniquitatis*, a bond of iniquity; and for this doctrine, he is worthy to be hissed out of all Christian Churches and Schools. As to his assertion, *that it was unlawful for the people of God to make any Covenant with the Canaanites*; it is true, that it was not lawful for them to make any Covenant of peace with these people, unless they submitted to them to become their servants, and became also proselytes to their Religion: and this is all

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that is forbidden in these places cited, wherein alwayes this is mentioned, lest such Covenants might be a snare to them to make them serve the gods of the Canaanites, and to do after the abominations which they had done to their gods, see *Exod.* 23. 32, 33. and, *Exod.* 34. 12, 13, 14, 15. and, *Deut.* 7. 24. and, *Deut.* 20. 16. 18. but when they turned proselytes to their Religion, the reason of that prohibition ceased: It was not forbidden in that case of their submission to the civil Government, and embracing the Religion of the people of God, to make Covenants of peace with them, as is manifest from *Deut.* 20. 10, 11. The Israelites had a warrant from God, to offer peace to all the Canaanites that would submit to them, and to spair them; for, this *Calvin* speaks plainly upon the 9. of *Josh.* and *Junius* upon the same place, and, 20. of *Deut.* 10, 11. Of this sort of them that sought peace and submitted to the people of God, were the Gibeonites, with whom it was lawful to covenant to give them peace upon the terms of civil and religious subjection to the People and Church of God, which they gave, as may be seen, *Josh.* 9. 8. 15. 23. 27. where they become Servants to the people of God, and are admitted to low services about the House of God, which priviledges had not been given them, had they not been converted to the Lord. See to this purpose *Diodate* upon the 1 *King.* 9. 20, 21. And others of the Canaanites had the same favour of *Solomon* in his best times, 1 of the *King.* 9. 20, 21. 2 *Chron.* 8. 7, 8. whereupon they are called the servants of *Solomon*, *Ezra* 2. 55. 58. *Nehem.* 11. 3. and these are the Nethinims mentioned so oft in the Book of *Nehem.* and *Ezra*, who though they were not of the children of *Israel*, but of the Canaanites, yet were given and dedicated to the service of God, at his Temple, separate in themselves to the Law of God, *Nehem.* 10. 28. These were the Gibeonites and some such others of the Canaanites converted to the Lord, and counted amongst the Israelitish proselytes. By all this it may appear, that *Joshua's* oath and the Princes was not upon the matter of it against any Law of God; it was an oath for the matter of it lawful and oblieging, notwithstanding of the deceit used by the Gibeonites: And the *Apolog.* speaketh vainly when he saith, *That, if the Writer stand to his principles, he must condemn* Joshua *in keeping that oath*, is no such matter: he stands to his principles, and justificth *Joshua* for keeping that oath, it being concerning a thing nowhere forbidden in the Word of God, and there being no new emergent which rendred the performance of the oath unlawful; the discovered deceitfulness of the Gibeonites could not do this: But if it be true which the *Apol.* saith,

saith; *that the oath was materially against a particular command of God*, he must needs condemn *Joshua* for not swearing in righteousness, and for adding sin to sin in keeping an unlawful oath; and he must justifie *Saul*, who some hundreds of years after did break it (as he supposeth) But, to put this to a close, how absurd is the mans opinion in saying, *that an oath must be kept against a Law of God, and that the Law and Command of God only binds the conscience so far, as might be obeyed without any breach of the moral Law concerning keeping an oath?* It is a most strange and abominable assertion, that the moral Law of God anent keeping oaths, doth bind to keep them against any Command of God: Call it particular command or general, or what he will, where is that command of God, that an oath should be kept against any of his particular commands? Can it be, that Gods moral Law binds to a disobedience to any of his particular Commands? Doth not the first command of the Law injoyn an absolute submission and subjection of the conscience to him in all his Laws whatsoever? *Abraham* received a particular command from God concerning offering his Son *Isaac*; now, if he had sworn that he would not do that thing, whether should the oath bind him against the particular command, or the particular command against the oath? Surely any rational man will consent to the latter of these two. Again, the Jews had a particular command to be circumcised to eat the Passover; now, if a Jew had sworn against these things, who would say that his oath did rather obliege him against the command, then the command against the oath? Let the *Apolog.* answer these things, if he can, and let him learn, that no mans oath can bind him against any whatsoever standing Law of God: nor is there any evidence in the instance we have in hand, that there was any dispensing with any Law that the oath might stand.

As for *Rachabs* case which he toucheth, the matter is plain, the oath made to her being a believing Canaanite, was both lawful and binding. Now for *Zedekiahs* oath, which, he saith, *was taken against the fundamental Laws of the Land, that the Kingdom might be base*, Ezek. 17. 14. *and yet the oath behoved to be kept against these fundamental Laws.* Surely, as the man is a very loyal Subject to the King, so he appears no less good Countrey-man, who saith, that a King swearing against the fundamental Laws of the Kingdom, yet his oath must stand, as *Zedekiah* stood bound by his oath to the King of *Babylon*. Herein he shall be opposed, For, if any King should swear to enslave his people to another, and to destroy their fundamental priviledges, making

making the Nation a base tributary Province to another Kingdom, he is not bound to keep that oath, no more then a Parent is bound to keep his oath, when he hath sworn away all the interest he hath in his Children, or by oath disclaimed his duty to them, or their interest in, and duty to him; such oaths are to be repented of, and not kept, unless God by some extraordinary command interpose; which was the case of *Zedekiah*: God had declared by his holy Prophets, that it was his mind and will that *Zedekiah* and his people should serve the King of *Babylon*, should submit and not defend themselves against him; it was Gods mind, that *Zedekiah* should be a homager and tributary King under the King of *Babylon*; and thus he might both lawfully swear homage, and was oblieged to keep the oath, God having expressly commanded by his Prophets submission and non-resistance to the King of *Babylon*; see *Jer.* 27. 6, 7, 8, 9. 12. *Jer.* 38. 17. 20, 21. The God of heaven being absolute Soveraign of all Kings and Kingdoms, disposing of them as he pleaseth, may lay his commands extraordinarily upon any King of earth to submit to an usurper, to promise him fealty and obedience under oath, which he is bound to keep, though it should be to the embasing of the Kingdom, for their sins. This was *Zedekiahs* case, but this can be no ground for an ordinary rule: If a King ordinarily swear away the fundamental priviledges of his Kingdom, to make it and himself base and tributary to an usurper, to whom God commands not submission, the oath were neither honest nor oblieging. *Zedekiah* was bound to be faithful to the King that made him King, 2 *King.* 24. *Ezek.* 17. 16. nor was it lawful for him to make resistance to the usurper, after God had declared his mind; but this can be no ordinary rule for Kings, in reference to usurpers. Thus we have done with the second case, and the assaults of the *Apol.* are found vain and frivolous.

The third and last case, wherein the Writer said, an oath ceaseth to obliege, was, when the fulfilling of the oath, *was impeditive of a greater good, especially of a greater good whereunto we are antecedently to the oath preoblieged, and so the observation of this oath against Episcopacy, proving really impeditive of a greater good, to which former obligations do tye us*, viz. *dutiful obedience to the King in things lawful, preservation of publick peace, and avoiding the horrid confusions of schisme and sedition, Ministers following their duties in their callings, to which they were preoblieged before any engagement against Episcopacy, we have reason to account the obligation thereof in so far to cease.* The *Apolog.* makes reply to this third

third case in several particulars, to which we oppose these animadversions, 1. He had no reason to carry himself so insolently as he doth, because, that the writer of the *Case*, proceeds upon the supposition of the indifferency and lawfulness of Episcopacy; for he did all along profess his dealing with the Scruplers against Episcopacy, was only upon the ground of the Covenant, which they pleaded, having no real grounds otherwise for opposing it. Of this sort, as he was perswaded, that the most of the Scruplers of *Scotland* were, who did see no ground in the Word of God against the lawfulness of Episcopacy; so, it shall afterward appear, that there is no real ground against it, and if we can prove it is not forbidden; and the *Apolog.* will concede that it is not commanded, what shall be said, but that it is of an indifferent nature?

2. The *Apol.* shews his ignorance, in disputing against the *Case of impeditiveness of greater good*, by the performance of an oath, causing the said oath not to be oblieging, and his arguments are pitiful weak, *as if this opened a door to all perjury; yea, to the breach of the oath of Alledgiance.* and he falsely asserts, that the Writer of *the Case had confessed, that by this means, a wide gape is opened to all perjury.* He is both ignorant and bold, to endeavour to dispute down that case of the not oblieging of an oath, which all judicious Casuists, popish and protestant do acknowledge, with restrictions more or less, and few of them with so great restriction, as the Writer of the *Case* had put: neither do they think, that in so doing they open a door of loosing men of all their oaths and vows; See, *Tho. 2a. 2æ. quest. 89. art. 7. ad 2m. Estius in senten. lib. 3. pag. 16. 5. Rivet in decalog. pag. 106. Amef. cas. conf. lib. 4. pag. 23. Prof. Leyd. pag. 500. Zanch. in 3. precept, pag. 647.* yea, *Timorcus himself, cap. 10.* acknowledges the ground to be good, and that there is no danger in granting this principle, all the matter lies in the application thereof. The *Apolog.* over-lashes, where he saith, *that this ground opens a door to any man, to loose himself from any oath and vow whatsoever*; for, at the most, it can but clear a man to be loosed from an oath, the keeping whereof, proves to him an obstacle of that which is clearly a greater good, and whereunto he was preoblieged. He shews himself to be among the number of these, that makes lies their refuge, while he affirmeth, that the Writer of the *Case* confessed, that by means of this ground, *a door was opened to all perjury*, he neither thought nor said so of the ground, especially, as it is guarded and restricted by him, albeit he found

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it necessary to give warning, lest under pretence thereof, a gap might be opened to perjury, or to mens loosing themselves from their oaths at their pleasure, and still he thinks, that in so ticklish and tender a case of the loosing of an oath, on the ground of impeditiveness of greater good, there is need of great caution. Such a one, who would judge himself discharged of his oath on that ground, had need to be much in prayer to God, that he may direct him to what is right in his eyes, to save him from being led by his own corrupt apprehensions and lusts, to seek a loosing from his oath, under pretence of respects to greater serviceableness to God; he had need to be much in conference of godly men, able to resolve him, what is most acceptable to God and conducible to his own salvation; he had need to be very clear, that the good attainable, in not performing his former oath, is indeed a greater good, and to be attained no other way: and, other caveats might be added; but that which the Writer added, makes the case more easie and clear, if there hath been a preobligation to a greater good, which is hindred by the performance of an oath taken afterward, especially preobligation by oath, this makes the following oath not to obliege. See *Amesius, lib. 4. cas. pag. 204. Juramentum posterius contra juramentum, aut etiam promissionem antecedentem honestam non obligat*; and in the same place he adds, *si juramentum impediat majus bonum, quod generalem infert obligationem generaliter tanquam exceptio in promissione tali subintelligitur.* Rivet in decalog. pag. 116. *Certe si ea quæ quis voverat bona impediant majus bonum casu aliquo potest quis se convertere ad id quod est melius non tamen sua consultatio tantum conscientia, sed etiam eorum qui de talibus judicare possunt quæsita sententia.* And, pag. 90. *non est servandum* (saith he) *juramentum cujus executio cum publica pace pugnaret*: So, that the greater good of dutiful obedience to the Magistrate, wherein he hath power to command, and the preservation of publick peace, which in this juncture cannot otherwayes be preserved, doth take off the obliging force of the subjects oath against Episcopacy, supposing it in its own nature indifferent. And whereas he saith, *that upon this pretence, any man may loose himself from the oath of Alledgiance, by alledging that the keeping thereof did hinder a greater good, which they are bound by a prior obligation*, viz. *freeing of the Countrey from oppression and tyranny*; here we may say, *Sorex suo indicio*, that the man speaks out of the abundance of his heart, what he judges in application to the present times; for both here and in *Napht.* he teaches them who will be deceived, that now the Coun-

trey is full of oppression and tyranny, and that therefore the oath of Alledgiance obliegeth not, that the higheſt powers may be overthrown; yet, ſuppoſe the ſtate of matters were as he imagines (as it is not) this caſe gives no ground for any to looſe themſelves from the oath of Alledgiance; *honour thy Father and thy Mother*, (under which Command, duties to the Prince are comprehended) is the firſt and higheſt command of the ſecond table of the Law; and duties enjoined by that command, are to be preferred to the duties to our Countrey and Countrey-men, in caſe of alledged oppreſſion and tyranny; neither can any preobligation to them be ſuppoſed to import a higher good, then fidelity to the Soveraign, in preſerving him who is the father of the Countrey, in whoſe well being, the well being thereof generally doth conſiſt: Who will think, that it is rational for Children, becauſe hardly dealt with by their Parents, therefore to think that this is ſufficient ground to renounce their Parents and dutiful obedience to them; or that delivering themſelves from their hard dealings, is a duty above all that they owe to their Parents by Gods Law?

3. *Joſhua* had no ground from this ruled caſe, for looſing his oath to the Gibeonites; for what was that greater good, that was hindred by his keeping the oath? The *Apolog.* ſaith, *he was hindred from fulfilling the particular Command God had given to his people*, &c. *pag.* 376. but we did before clear, that God gave no ſuch particular Command to his people, as this man imagines, nor was *Joſhuas* oath againſt any particular Command of God; neither did God diſpenſe with any ſuch Command, for he had given none ſuch; and had he given ſuch a Command, *Joſhua's* not keeping the oath, which is ſuppoſed to be againſt the Command of God, had been no perjury, nor againſt the light or law of nature, or the moral Law of God: for, the light and Law of nature and the moral Law, do not teach to keep, but to break ſuch oaths as are made againſt any Command of God, call it particular or what you will; becauſe, then ſure it is not made in righteouſneſs, becauſe it is againſt Gods will that is the rule of righteouſneſs; neither is it ſaid with any ground by him, *that the Commandment was diſpenſed with, that the oath might ſtand, becauſe the obeying the Commandment, againſt which* Joſhua *had ſworn*, as he ſaith, *would have given great occaſion of blaſpheming the Name of the Lord*: For as we ſaid, the oath was not againſt any Command, ſo, neither was there a diſpenſation of any Command; and if there had been a prohibition to make any Covenants at all with the Canaanites,

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what dishonour could it be to the holy name of God, not to allow a rash oath against his own prohibition? What dishonour could redound to him, by hindering them to fulfill an oath directly against his own Commandment? It would rather appear dishonourable to the Majesty of God, to countenance rash and unadvised oaths against any of his Commands, this importing a high dishonour to him, as absolute Soveraign and Commander, to cede in the point of his Soveraignty to unadvised engagements, which his creatures take upon themselves abusing his holy Name. Might not Pagans have thus occasion to blaspheme the name of the Lord, if he should dispense with his own Commands, for mens rash engagements against them? as if he were so alterable in his directions, as to be turned about by the rash and unadvised oaths of men, using, or rather abusing his holy name? And let the *Apolog.* tell us, what dishonour were it to God or to Christ, if a Christian should swear to kill a Pagan, and afterward repent of his oath and not perform it? And what dishonour then could redound to the name of God, by *Joshuas* swearing no to destroy the *Gibeonites*, and afterward repenting, finding that oath contrary to that Law of God? Can God be dishonoured by keeping any of his own Laws? Mens oath against any of these Laws, falls upon that which is not *materia debita juramenti*, and God is rather honoured in not keeping, then in keeping such an Oath.

As for the Apolog. *alledgiance concerning* Zedekiah, *that this case would have given him liberty, to have loosed himself from his oath to the King of* Babylon, *because keeping his oath hindred him from a greater good, to which he was preoblieged,* viz. *the performing his duty to his Kingdom and Countrey.* Concerning the extraordinarines of *Zedekiahs* case, we have heard before; God Almighty, having by special revelation, by the mouth of his holy Prophets, commanded him to submit to the King of *Babylon*, and to give his oath of homage and fidelity to him; that oath in that case, was a fundamental constitution for upholding that Kingdom, *Ezek.* 17. 14. *that by keeping the Covenant it might stand*, both he and the people were bound to submit to, and serve that King, not to defend himself against him (becaus, so was the revealed will of God) neither was there any preobligation lying upon *Zedekiah*, to vindicate his Countrey out of the Babylonians hand against the Covenant he had made, Gods contrary Command having cut off all such preobligations, and though this man calls the doctrine in this case delivered, *new coyned divinity, which will not pass with tender consciences*, &c. Yet, it is the divi-

nity of moſt judicious Proteſtants, who have ſtated the caſe very rationally, as the Writer doth, and with ſome greater latitude and leſs caution. As for his talk of tender conſciences, the Writer truly honoureth theſe whoſe conſciences are indeed ſuch; nor deſireth he, that his words may have more weight with them, then Scripture and Reaſon can enforce: But he fears, that the conſciences which this man counts tender, are by his unſound Doctrines made ſo very tough, that under pretence of keeping an oath, they are able to digeſt rebellions and inſurrections againſt the powers ordained by God, and are brought to make no more conſcience of cutting the throats of their fellow-Subjects for the ſake of their great *Diana*, then *Herod* did of cutting off *John Baptiſts* head at the deſire of a Strumpet, and that *under pretence, becauſe of his oath.*

4. The greater good which is hindred by the obſervation of the oath, was by the Writer of the *Caſe* ſaid to be *obedience to authority in its lawful commands, the preſervation of publick peace, and (as to Miniſters) continuing them in their Miniſtry for the edifying of Gods people; Which things were all impeded (as matters now ſtand) by not acknowledging that the oath ceaſeth to oblige.* It were tedious at any length to follow the poor replyes of the *Apolog.* pag. 376. 377. 378. But briefly, he asketh fooliſhly *Whether all be bound to obey the Magiſtrate in all things indifferent?* whereas our queſtion is only anent things indifferent, concerning publick Government in Church or State, upon which the Magiſtrat's determination may paſs. And he as vainly enquireth, *Whether every Law of the Magiſtrate doth bind the Subjects conſcience?* What is that to the purpoſe to enquire anent it? though we might return him anſwer, that although meer humane Law doth not properly and immediately by it ſelf oblige the conſcience of the Subject; yet, God hath given to the Magiſtrate a power to make warrantable Laws, even concerning things in their nature indifferent, which by the only authority of God himſelf, doth bind the conſcience of the Subject, in regard of the general charge which God hath given to obey the Magiſtrate for conſcience ſake, *Rom.* 13. 5. A thing may be indifferent in the nature of it, and yet when a command of Authority interveens, determining the matter to one ſide, obedience is not indifferent, but falls under a command of God; and the more conducible theſe humane Laws are to the conſervation of the divine Law, the more do they participate of the nature and force of divine Law. And whereas he ſaith, *that in Laws concerning indifferent things, all that the Subject is oblieged to, is paſſive obedience,*

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Which is consistent enough With publick peace, and hurts no the credit of the Ruler, and is all he saith *necessary to be given?* He shall be commended for this saying, that passive subjection is necessar to be given, where active cannot be; but he must study how to reconcile himself to his great Master, the Author of *Lex Rex*, who, *pag.* 318. calleth passive obedience *a chimera, a dream, no Where commanded of God*; and, *pag.* 463. he averreth, *it is a great untruth that We must be subject to Magistrates actively in things lawful, and in things unlawful passively*; affirming also, *that it is no dishonour to the majesty of the Ruler to deny passive subjection to him When he punisheth beside his warrant, more then to deny active obedience to him When he commands beside his Warrant.* Also, he will study how to reconcile himself to *Napht.* who in that point is clearly contrair to him; Yet, this shall not be yielded to him, that all that is required of Subjects in Laws concerning such positive and indifferent things, is passive obedience, and that thereby publick peace and the credit of the Ruler is sufficiently preserved; for, it is untrue that in these things passive obedience is all that the Subject may be said to be obliged to: for, when a Law is obeyable without offence to God, as in matters of an indifferent nature, the primary intention of the same (it not being purely penal, but preceptive) is the Subjects active obedience: The Law obliegeth primarily to duty, and although a man suffer the punishment, yet that doth not free him of guiltiness before God; for refusing obedience to a humane Law, not contrariant, but consentaneous to his will. Neither is the good Magistrate wholly satisfied by submission to punishment, but rather his heart is grieved by unreasonable obstinacy against lawful commands, which against his chief intention draweth punishment upon the obstinate. Neither is the honour or credit of the Ruler or the publick Peace secured by meer passive obedience; for, such as will unreasonably suffer rather nor obey, doth hurt the Magistrat's honour, in making impression upon his Subjects minds, as if he were a persecuter and oppressor of tender consciences, because he puts them unto some measure of trouble, reducing them to their duty: And if this tend not to the disturbance of publick peace, let any judge; especially when such principles are vented, as *Lex Rex*, pag. 365. *&c. that the sin of non-resistance unto Kings by force, in all cases Wherein people conceive themselves Wronged, is a grievous sin.*

5. The Kings Majesty and the honourable States of Parliament, the great Representative of the collective body of Christians in *Scotland*, the generality of the Ministry having willingly owned episcopal Government

verhment as a greater good to the Church then any other way, their judgements ought to preponder this mans, untill he bring ſtronger reaſons then he hath done: and although (as he is *pugnaciſſimum animal*) he bravades to diſpute againſt all that will ſay, that Epiſcopacy is to this Church a greater good then any other way; yet, his proofs are but ſo many ſlanders againſt Epiſcopacy; he hath learned the leſſon well, *calumniare audaciter ſemper aliquid adherebit*: To which the anſwer may ſerve, *Si accuſaſſe ſat eſt, quis erit innocens?* and how eaſie were it to make a retortion, in diſcovering the fruits and conſequences of the Presbytery, much worſe then he can alledge of Epiſcopacy? As to his particular accuſations againſt Epiſcopacy, it is falſe that any have been perſecuted by them for godlineſs or faithfulneſs in the Lords work; if affected ignorance, or pride, or a tange of ſchiſmatical and ſeditious temper hath brought trouble upon any, how were the Biſhops to be blamed in that, who were willing to condeſcend to whatever was conſiſtent to publick peace, that they might keep in any in the main work of their Calling, apparently faithful? But, the extreme rigidity of ſome was ſuch, that they had rather part with their Miniſtry, then come in any termes of conference for a reaſonable and Chriſtian accommodation; which was a courſe unparalleled by any one age in times of differences and controverſies. As for ſuch heady leaders as theſe, this Country and Country-ſides are well rid of ſuch evil principled men, and better furniſhed with ſuch who may teach them their duty to God and the King, and lead them in the wayes of peace, which their former guides, men of bloody violence, knew not. That Miniſters *now feed the people with wind and lyes*, is a windy lye; they do teach the ſound orthodox Doctrine according to the Scriptures, and deliver the truth of the Goſpel of God, although perhaps they want the weſtern affected tone and airy ſouch, which is neither of divine nor apoſtolical precept, nor practice. As for the *increaſe of Arminianiſm and Popery*, of the former we know no ſuch thing; and he and his party have cauſe to conſider, if their weakning of the hands of ſuch as ſhould wreſtle againſt that evil, hath not contributed much to the encreaſe thereof. As for the increaſe of *ignorance, atheiſme and profaneneſſe*, complaints of that nature have been juſt under other forms of Government as well as now; Papiſts have charged the Reformation with the conſequences of Atheiſm and Profaneneſs, catching hold of the complaints of our own Divines to that purpoſe: yet, the Reformation was no worſe for that. Profanity and Atheiſme generally increaſing under Presbytery in the hight of it's power,

power, was sadly complained of by Mr. *Bruce* in his Sermon on *Ps.* 76. For, he asserts, *that the profane multitude of this Kingdom disdained the Word of God despitefully; and if we look to the growth of sin, more ugly sins were never committed; the Land* (saith he) *is overburdened with the birth of iniquity; God hath given us over to be deceived by the mighty power and working of the devil. O unhappy and wrathful Country! the more knowledge groweth, conscience decayeth; Is there any clean place in the Country?* &c. Now, if these challenges did not reflect upon Presbytery, why should the like in our time (if they were true) be turned against Prelacy? Doth it more countenance or cherish these evils then the other way? Is there less slackness in preaching down, and in punishing vice then formerly? If there be defects that way, they are the personal faults of men, but the innocent order is not guilty in influencing these evils. And this man and his party had need seriously to take to heart, if their studying to dissipate the Church of God, to drive people to schism (which makes them wither like branches cut off from the root) to draw them from attendance upon the Ordinances of God, to engage them to bloody rebellions against Gods Vice-gerent, to make them to account oppositions to Episcopacy *the sum and head of their Religion, unto which all their zeal should be concentred*; If, I say, these courses do not greatly promote that profanity so much complained of. But, how easie were it to retort accusations upon the Presbytery; and to conclude from the errors, heresies, schisme and sedition, general concussions of these Kingdoms by all the miseries and mischiefs of a long continued civil War, with the ruines of Prince and People, which may be more justly said to have issued from the same, then other evils from Prelacy; that it is a greater good for this Church and Kingdom to want it, then to have it?

6. Ministers in the present state of affairs, by not acknowledging the impeditiveness of their oath against Episcopacy of that greater good, to which they were preoblieged, viz. *the employing their talents in the service of the Church of God*, are guilty of their own lying by from the work; neither doth their oath impede them, from following that greater good, which if it do hinder them, is therefore loosed; neither doth the Law hinder them, which they are bound to obey in the present case, notwithstanding the Oath; nor is it reason, that for their sakes the Law should be nulled, when the Law-giver seeth the publick peace and good of the Common-wealth, so much concerned in standing to the Law; and let the *Apolog.* please himself as he will, in saying, *that the sufferings of their Ministers, are more edifying* then

then their preaching, if they had submitted: who sees it not to be a vain brag? One good preaching would be more for edification, then all their sufferings are, being upon so slippery and so uncertain a ground. And, whereas he saith, *that others that do submit, should not have a face to go to a Pulpit under perjury*, he must know, that the perjury is denied upon grounds, which he cannot refell; and if he will talk of perjury, the very setters up of the Presbytery, in the Assembly of *Glasgow*, 1638. were for the most part, *men who had falsified their oath to the Bishops*, which was as lawful, as any now is pretended to be; and even these men themselves, who charge perjury falsely upon others, must truely be challenged of it, while they avowedly and with open face, set forward an horrid schism in the Church, and sedition and rebellion against the Prince, against which the Covenant doth most really oblige: and is such perjury, real qualification of a Minister? how unworthy is the doer of these things, to set his foot in a Pulpit? Thus have we done with the vindication of what the Writer of the *Seasonable Case* said, concerning the non-oblieging of the Covenant in this point of Episcopacy, although this *Apolog.* and *Napht.* do think it fit for them to amuse the simple people, with the continual tinkling *of the holy Covenant* in their ears, (as these in *France* saw it fit, to amuse the followers in the times of *Henry* third and fourth, with the noise of the *holy League*) It had become him better to have reserved the glorious title of the *holy Covenant* to the Scriptures of God, and to the great transaction and indenture of grace, whereupon God grounds the salvation of his people, as is done by *Daniel* in his Prophesie, *chap.* 11. and not to have transferred so high a title to a humane device, filled with deceitful homonymies and amphibologies, that it might comprehend the various interests of these who were therein ingaged. Shall such a frame be raised so near the holy Scriptures, as to be counted and called the holy Covenant? Shall such a frame be called *the great charter of Religion and Righteousness* as this man *interminis* calls it? Shall there be no Religion nor Righteousness, and so no life and glory, where this frame of the Covenant is not owned? God forbid. And now to draw near to a close of this matter, the author of *Napht.* shews himself a very seraphick Doctor, when he so vain-gloriously despiseth all the dispute of the *Apologie*, against the Writer of the *Case*, *pag.* 61. saying, *that no man fears God, or mindes his glory in any measure of sobriety, will deign the author with an answer upon these matters; and to refute these things, were, after vows to make inquiry*; Is that all the thanks the *Apolog.* gets

gets for his pains, wherein he hath acquit himself very poorly, that he should be accounted no fearer of God, nor sober regarder of his glory? It may be the Author of *Naph.* in challenging the other of no measure of sobriety in regarding Gods glory, was in some measure of ebriety; and he should know, that it is very good after rash vows, to make enquiry, and to say with sorrow, *What have I done*? And for his casting up his stomach against the Writer of the *Seasonable Case*, calling him a *Temporiser*, and his Reasonings *poor Sophistry*, *Naph.* pag. 61. the judicious will see that his Reasonings are solid, and subsists against the vain assaults of this Bragger. And as for temporising, shall no man have liberty to rectifie or reform his own judgement, or come off from wayes that have been amisse? Shall every one that useth his christian liberty differently in different times and circumstances, be therefore a temporiser? Was *Paul* justly challenged of lightnesse and changeablenesse, not following the course he purposed to follow? 2 *Cor.* 1. 17. doth Religion stand in such a rigid tenaciousnesse of opinion in the most circumstantial matters of it, that an alteration of a mans way as to these, must needs be temporising? May it not be, that as edification of others may some times move men who fear God in somethings to change their way, So carnal stoutnesse of stomach may be the best principle that doth fix others to that whereto they have wedded themselves? When *Cicero* heard a man glorying of his constancy, saying, he had never repented himself of any thing he had done all his life; he concluded, *certainly that man was a fool*: And better it is to endure the imputation of a temporiser unjustly, then of a fool justly. And who knoweth not, that sometimes συλευειν τω καιρω, is συλευειν τω κυριω? which several readings are in several Copies of the Original, *Rom.* 12. 11. To turn off from Religion, Truth and Honesty at any time for earthly advantages, is abominable time-serving; but to observe what is fittest to be done in the exercises of christian liberty, according to the circumstances of time, and to consider what way the honour of God and the edification of his Church requires to be taken in the exercise thereof, and a godly care to fit our selves to these several occasions, is such a serving of time, as is also serving the Lord, and no man needs to be ashamed of it.

Thus have we passed through these real grounds, whereupon Gods people may be satisfied in their submission to the present Church-government, notwithstanding of the seeming opposition of the Covenant thereunto; and we have had respect to the several measures of light, which Gods people may have anent these matters. If upon se-

rious consideration, neither of the Covenants be found to strike against the present establishment of Episcopacy, there can remain no scruple of the conscience anent perjury in this point. If again, the necessity of Episcopacy by divine Ordinance be decerned, or the lawfulnesse of it and non-repugnancy to any divine Ordinance, the perpetual abjuration of it being sinful, the imputation of perjury in passing from such an oath is false and unjust. And if the cases of the cessation of the obligation of an oath mentioned here, come home to our purpose (which we hope upon examination shall be found) the charges and accusations of perjury will be found but vain and passionate declamations; which the sober people of God will learn to forbear in this matter against their Brethren, who in all other things touching sound faith and a sanctified life, account themselves to be bound both by the precept of God and the oath of God, which is upon their souls; wishing, that there had been no intermixture of dubious matters with certain in the Covenant, which hath been the cause of the great breach that now is.

Only this shall be added, and so we leave the matter of the Covenants, that they were neither lawfully imposed nor taken; nor can they be now lawfully kept, in the sense which the Libeller gives of them, especially in the matters under debate. As to the former, that the oath was sinfully imposed and taken, appears by the want of a just Power and Authority in the imposers of it (the Committee of the Convention of Estates) who were never impowered by any of our Laws to do a business of so high a concernment, without and against the will of the Soveraign: Nor is there any precedent of such a thing amongst us in any generation, as imposing of national Oaths upon the consciences of the Subjects, without the supreme Authority in the Land, especially to engage the Nation in forreign wars; this was most subversive of the foundation of the Kingdom and the true liberty of the Subject, having no precedents amongst the people of God of old, neither Jewish nor Christian. And although the oath had been in all other respects lawful, (of which we shall say more anone) the obligation thereof would not upon that account cease; yet, sure the imposers of such an oath without just Authority, should repent of their usurpation, and the takers of it have cause to repent, for thrusting themselves and their consciences too tamely under the yoak of the tyrannous commands of others; and sincere repentance for former irregular courses, will be a mean to prevent doing so any more; although they are to be pitied who lye in the snare which their own rashnesse, or pliableneſse to unauthorised commands, hath plaited for them. The *Apolog.* will undertake

dertake to give laudable examples of such Covenants, both amongst the ancient people of God under the old Testament, and also of Christians in the New Testament times; *Apol. pag.* 383, 384. he alledgeth, 1. *That many of the Israelites entred in covenant with* Asa *and* Hezekiah *Kings of* Juda, *without the consent of their own Kings* Baasha *and* Hosea, *for carrying on a Work of Reformation, which* (saith he) *seems more treasonable, then for Subjects of one King to joyn together in oath without his consent.* But, to say nothing of the different natures of these Covenants and ours, these having been meerly religious, and for doing of that which was commanded expresly in Gods Law, and no way engaging to use military force against their own Kings, or against their friends and followers; as the design of ours plainly was, it being a military League with a forreign Nation, or part thereof, and for drawing forces to the field against our own and their King. To say nothing of this, none of the Covenants, though allowed, can justifie ours: For, as to that Covenant in *Asa's* dayes, the Subjects of *Baasha* King of *Juda* left their own King and Kingdom, and for Religions sake, came and submitted themselves as Subjects to *Asa*, as their King, and were incorporated as Members in the reformed Church of *Juda*, as appears from 2 *Chron.* 15. 9. 15. where it is said, *that they fell to him out of* Israel, *When they saw the Lord his God was with them*; a word translated by *Junius*, *defecerunt ad eum*; by others, *transfugerunt ad eum*, *dejecerunt se ei*, importing both their defection from *Baasha*, and submission to *Asa* as his Subjects, and *v.* 15. they are comprehended under the name of *Juda*. Now let any judge what poor reasoning this is, that because a people, once under another King, did enter in a religious Covenant, under the conduct of him whom they owned as their present Soveraign; that therefore any people may enter into such publick Covenants without and against the consent of their own Soveraigns. As for the other instance *of the Israelites coming to enter into Covenant with* Hezekiah, *in the dayes of* Hosea *King of* Israel; we say, that it appears not at that time there was a formal and expresse swearing of a Covenant, whatever purpose had been in *Hezekiah's* heart this way, 2 *Chron.* 29. 10. yet, it was not such as ours, having military designs in it to draw people to take arms against their own King, and to invade their own King and Kingdom for Religions sake. But further, these that came out of *Israel*, having by reason of Religion settled themselves in *Juda* (see 2 *Chron.* 30. 25. with *Diodat's* judicious note thereupon) and become *Hezekiahs* Subjects, if under his conduct they entred into a pub-

lick oath for Religion; what makes this for such publick oaths, without the conduct of soveraign Powers, or against their will and consent? But, 2. whereas the Writer of the *Case* had required *examples amongst Christians of old, of engaging in, or imposing of publick Oaths or Covenants without the consent of soveraign Powers that were over them*; the *Apolog.* produceth some examples of Covenants among Christians within this last age, and some of these amongst forreign Nations, and some amongst our selves: wherein any may easily see the impertinency of his answer, that being posed concerning the practices of Christians of old, he produceth so late examples. And also, whereas the Writer did require instances of imposing such publick oaths without soveraign Authority, the *Apolog.* doth in vain give instances of Covenants, carried on by these forreign States who reputed themselves Soveraign, as *Bohemia*, *Helvetia*, &c. and as foolishly doth he give instance of Covenants voluntarily entred in, such as the five or six Covenants he mentions among some of our Nobility and Gentry at the beginning of the Reformation, which were not in a coactive way imposed upon others. To say nothing of this, neither these Covenants abroad nor at home, were of the nature of our Solemn League and Covenant; for, they were only *de propugnanda fide & libertate*; but ours was in the true design of it, *for propagation and enforcing our exterior form of Church-government upon a Nation and Church no wayes subordinate to us*, and that with highest opposition by arms to our own Soveraign and theirs: But, it were to be wished, the *Apolog.* had spaired to mention the multiplyed oaths among our selves; for, as we are noted by Forraigners to be too much given to suddain and rash swearing in ordinary discourse; So also, that it is our way beyond other people, to multiply oaths and seditious combinations: which frequency of swearing is taken as no great mark of our fidelity; for, they that swear often, manifest that they think themselves not worthy to be believed otherwise, and distrusts that every one mistrusts them: multitudes of oaths debaseth the dignity of them, and people accustomed to them regard them little; and it is a sin of too much distemper in a State, when oaths are multiplied to form Parties and Factions. It had been good for *Scotland* that there had been amongst us fewer oaths, but better qualified and more stedfastly kept.

But as to the adhering to the Covenant, now in the matter under debate, to wit the extirpation of Episcopacy (if the present frame of it be indeed abjured, whereof we spake formerly) how unwarrantable

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it is, appeareth by what hath been said. But not to mention other things, there are three particulars in the Covenant, which according to the gloss of *Napht.* and the *Apol.* contains engagements to matters so sinful, that no good Christian ought to take it, nor having taken ought to keep it in these particulars; albeit, in other things of unquestionable duty, we must say, that we stand bound to these both *vi materiæ* and *vi juramenti*: Nor is the *Apolog. pag.* 381. to be heard, while he saith, *that no fault either in the matter or in the manner of the Covenant, can say much for the loosing the obligation thereof, after it is taken*; for, a fault on the matter of an oath is a sin, and something unlawful; and where an oath is faulty in the matter, the keeping of it increases the guilt; there was sin in the taking such an oath, and greater sin in the keeping of it. And if this *Apol.* be a Christian, he will eat in this word again, which he hath written here; for, thus indeed he makes an oath to be *vinculum iniquitatis*, and if he will stand to it, any will think, that he is strucken judicially blind, for bold and proud defending of error.

Now, as to the particulars in the Covenant, which according to the *Apolog.* and *Nap.* gloss, we look upon as sinful engagements; the first is, that in the second Article *of the Covenant, We shall endeavour in our places and callings to extirpate Prelacy*, &c. which according to *Nap.* gloss, *pag.* 151. 152. hath this sense, *upon condition, that others shall endeavour in their places and callings to extirpat*, &c. *we shall endeavour the same in our places and callings*; *but, if Rulers shall become patronisers of abominations, that is of Episcopacy, not striving to extirpate it by their power, then We who are private persons, may step forward and occupy the places which they have abused and forfeited*; *and in so doing, we are in our places and callings, according to the Covenant, which in this clause*, as he saith, *is not restrictive of our duty to our places and callings, but exegetical and ampliative.* In which glossing he both mocks God and man; it is a strange exegesis or explication of acting in our places and callings, that we shall go out of our places and callings to act, and a wonderous ampliation to sense the words, *we shall act in our places and callings*, (which are clearly restrictive) in this manner, We shall not be confined in our places and callings, but enlarge and stretch our selves, to occupy the high places of others, which they have abused.

The second particular, which we look upon as a sinful engagement in the Covenant according to *Napht.* gloss, is that clause in the end of the second Article, *engaging* (after the nomination of some particu-

lar

cular Officers) *to the extirpation of all other Officers, depending upon that Hierarchy*, under which other Officers the extirpation whereof is sworn, *Napht. pag.* 104. comprehends all the present Ministery, who depend upon Bishops; and he pleads, *that We are bound to extirpate them as well as the Bishops, and never own nor submit to them*, which is diametrically opposite to extirpation. Thus this furious man, would overthrow the whole Ministery of this Church, which one way or another, as to their ordination or their actings depend upon Bishops; yea, by this exposition, the whole Ministery of *England* and *Scotland*, who took the Covenant, and who had their ordination from Bishops, were engaged to extirpate themselves, or to renounce the Ministery which they had received from Bishops, by the imposition of hands, as some did indeed in *England*, for loosing that dependance supposed to be abjured in the Covenant, albeit others made a shift by some distinctions, to keep themselves in the Ministery. This sense of that clause, we utterly abhor, as importing the height of that which Anabaptists and Separatists aimed at, to wit, the utter destruction of the whole Ministery of *Scotland* and *England*, as of a false Ministery derived from Antichrist, because of their dependence upon Bishops in ordination or in actings; and we durst not appear before the judgement-seat of God, with such resolutions as men of this sort have against the Ministery of the reformed Churches; and we will say, if this be the sense of the Covenant in that part of the Article, we will renounce it for ever: But it was a sad thing, that by such *ambiguous Words*, a stumbling block should have been cast before the blind, and that poor people should have been put to swear in ignorance and darkness, against unnominated Ecclesiastical Officers, it being unknown to them who were meant, as it was also unknown to the tenth man who took the Covenant in *Scotland*; Who were these *Chancellours* that were named in the second article of the Covenant; and what were these *Chapters*, or what was that *Hierarchy* upon which all depended? What knew the poor people of *Scotland* of any other Chancellours, but the Chancellours of the Kingdom? For, they were not acquainted with any such Church-officers, nor could the tenth Minister of the Kingdom tell them exactly what they were. What knew the poor people of the Chapters, but the Chapters of the Bible? What knew they the two sorts of Deans, which in effect were but Moderators, as the Moderators are hitherto called Deans in the *Helvetian* church? Was it not strange, to lead them to abjure Moderatours in Ministerial meetings? What knew poor people, what the

Hierarchy

Hierarchy meaned? (surely they thought it some *African monster*, for they knew not what it meant) and was this fair dealing with the simple people, to engage them against they knew not what, under a long and high sounding *compounded Greek term*? What needed greek language in a popular oath? Hierarchy is a holy Government; now if the framers of the Covenant, did call episcopal Government so seriously and in good earnest it was impious to abjure it; and if they called it so ironically and in jest, it was impious in a serious oath to God, to use so light figures of speech; but, that which offends most, is the blind tying of the people of God, to extirpate unnominated Ecclesiastick Officers, and enjoyning them under penalty, to swear the extirpation of the same, though they were the true and faithful Ministers of the reformed Churches in these Lands, because of their dependency upon Bishops, at least *in fieri*, and as to their being made Ministers. A great noise was made about an oath, appointed to be taken by the convocation of *England*, *Anno*, 1641. which was called the *&c. oath*, (the meaning thereof, had not men been disposed to be captious, was easily understood) but here in the Covenant is *there an &c. oath with a witness*, while all other Ecclesiastical-officers (unnominated) depending upon Bishops, be they Ministers or others, are sworn to be extirpated: How evil a thing was it to lead people to swear they knew not what? This was not to teach them to swear in truth and in judgement.

But, the third particular wherein we think, that the Covenant could neither be lawfully taken nor kept, according to the glosse of the *Apolog.* and *Napht.* is in the fourth Article, which concerns our duty to the King; wherein, according to their mind, *the King's doing duty, is a limiting condition to the subjects duty*: We do not think it unlawful, but a real duty, to swear the preservation of the Kings person and authority, in defence of Religion and Liberties *specificative*, not excluding Fidelity and Loyalty to him otherwise; but, as the *Apolog.* and *Napht.* expound the article, that is, *That while the King doth his duty in these things, we obliege our selves to do duty to him precisely, and no otherwayes*; we do abhor the Article in such a sense, as being both Anabaptistical and Jesuitical; and this sense is plainly given us, both by the *Apolog.* and by *Napht.* more plainly, while he tells us, *pag.* 177. *That neither alledgiance nor obedience is due to the King, but with that restriction.* But against this we avow it, as the certain truth of God, that although obedience is to be given to no powers on Earth, against Gods true Religion; yet, fidelity

and

and alledgiance must be kept unto them, and all duties of lawful obedience performed to them, whatever be their qualifications or carriage, be they friends to the true Religion or be they not: This have we learned from Christ and his holy Apostles, who as they did themselves, so exhorted others, *to render to Cæsar the things that were Cæsars*, though he rendred not *to God, the things that were Gods*, and to pay honour and tribute to these to whom it was due, albeit they were such as were in a stated opposition to Christ, and did make ill use of these duties payed unto them. If a Prince abuse my doing duty to him, in opposition to the Gospel, that is none of my fault, (though it be my grief) neither am I therefore to renounce or not perform my duty to him, and if this be the sense of that article of the Covenant, that we shall only maintain the Kings person and authority, while he stands for that which we count Religion and Liberty, and no otherwayes; yea, that we shall oppose his person and authority, *vi & armis*, if he do not own these things so valued by us, we have reason to renounce it, as contrary to the Word of God.

And now, leaving this whole purpose concerning the Covenant, what remains but to exhort the imposers and the takers of it to consider their wayes; and especially that unfair dealing of engaging varieties of parties in it, under dubious terms, subject to various senses. Clear it was that the Covenant was so framed, that it might comprehend in the latitude of the words thereof, all, except *the owners of Popery and Prelacy* (which latter was in a strange policy conjoined with the former to render it odious, and yet, being distinguished from Popery, why should it be accounted a part of Popery?) So that all others, if they would but in word own the Word of God, were admitted to be Covenanters: And so *S. R.* against liberty of Consc. *pag.* 251. acknowledgeth, *that Socinians, Arians, Familists, Antinomians, Arminians, Antitrinitarians, Separatists, Seekers, did take the Covenant*, (such an Ark it was for all these unclean cattle) and they did take it, because they thought the expressions and terms thereof were so comprehensive, as might well take them in, with a reservation to them of liberty in their principles and wayes, and being perswaded, that in their sense and conscience, there was nothing in it striking against their errors, So that they were very free to take it.

Let it be seriously considered, before the Lord, if there was not something wrong in this, that people pretending to give one another the greatest imaginable security as to Religion, yet would have the Oath concerning that matter, contrived in such general terms, as might make

make room for the principles of such as owned any wrong way of Religion, save Popery and Prelacy. Why was the guarding of Religion against errors, (by special expressions) so studiously avoided; when it was known that by the flood-gate of Independency, a deluge of others, and in some respects greater evils then these can be supposed to be, was overflowing *England*? It had been piety to have used fair particular dealing in these matters, though it was not thought good policy to make the Covenant *too small a sieve* in striking at particular errors or errants, seing the Parliament behooved to be served by men of all perswasions, if only they continued united against Prelacy owned by the King, (Popery was joined to it to render it odious by that neighbourhood) and if men only appeared against Popery and Prelacy, whatever abominations they otherwise owned, yet they behooved to be listed under the name and notion of the godly party, while all others were exposed to popular fury under the notion of the ungodly and malignants. But, to be more particular anent the doubtful generalities of the Covenant; *First*, In the first Article, the Covenanters swear *to maintain the Reformed Religion in* Scotland, *in Doctrine, Worship, Discipline and Government*. The Presbyterians are perswaded, as the *Apolog.* and *Naph.* shew us, that the Presbyterial Government, as exercised in *Scotland*, was sworn to be maintained as part of the Reformed Religion: the Independents, and all others takers of the Covenant besides these, utterly deny that that clause contains any engagement to maintain Presbyterial Government in *Scotland*: For, the Independents denyed, that that could consist with their principles, to swear to maintain that, which as *S. R.* in his Treatise against liberty of Conscience, shews us, they did account *a tyrannical, egyptian and antichristian bondage, not to be maintained, but to be extirpated as a rag and relict of Popery*. And in very truth, these words of the Covenant are no way cogent upon them, nor upon any swearers of the oath to engage them to the maintainance of the particular form of Presbyterial Government in *Scotland*; for, the express words are only, *We shall maintain the Reformed Religion in Government*, &c. So that it was only that which they looked upon as reformed in the Government of the Church of *Scotland* which the swearers engaged to; and to the Independent and such like, the Presbyterial Government was not such. If a man swear to maintain all the Old Testament truths owned by the Jews, he doth not therefore swear to maintain all Judaism; or, if he swear to maintain all Gospel Truths owned by Papists, he doth not therefore swear to maintain

Popery: So no man, by swearing to maintain the reformed Religion of *Scotland* in Doctrine, Government, *&c.* doth therefore swear to maintain the particular form of Government of the Church of *Scotland*, albeit by them accounted a part of the reformed Religion. Neither indeed did the Parliament of *England*, representing the greatest part of the supposed Covenanters, conceive themselves in that clause bound to acknowledge the Presbyterian form of *Scotland* to be part of the reformed Religion; for, they plainly profess in their Declaration, *Anno*, 1647. *that they could never find a* jus divinum *of Presbytery*, and so they did not account it a part of reformed Religion. *Secondly*, Was there not some doubtfulness in the expressions, *We shall maintain the reformed Religion in* Scotland, *in Discipline and Government*? It may be enquired, whether all that that goes under the name of Discipline and Government comprehending both the essential Policy, Discipline and Government of the Church, and the accidental variable constitutions of Discipline and Government, be sworn to be maintained all the dayes of our lives? If it be said, not all contained under these names is sworn to be maintained; Why then was there no distinction made? And if it be said, that all that is called Discipline and Government is sworn thus to be maintained, the Covenant was sinful in this point, contrary to the liberty of this Church, oblieging to maintain the variable acts and constitutions of Government perpetually. *Thirdly*, What were these best reformed Churches, according to the pattern of which, the Covenant engages to reform the Church of *England*? The Presbyterians will say, that the best reformed Churches was the Church of *Scotland*, and such as it: but the Independents could not see or seek that pattern of best reformation in the mountains of *Scotland*, but professed plainly, that their meaning was of the Churches of *New-England*, as may be seen in their Disputes in the Assembly of Divines. *Fourthly*, Albeit the holy Word of God hath no ambiguity and homonymie in it, and is not double-faced, but wholly sincere, right and true; yet, when men of contrary principles and perswasions as they call them, resolving to abide in these, shall engage one to another to reform according to the Word of God, there must be a mutual cheat and trepanne in such an engagement; for, each party reserves that in their own mind, that they would do according to the Word of God, *as they conceive it*. Such an oath (looking to the different opinions of the parties who mind not to submit their several senses of the Word of God to any external Judge) is a meer *Cothurnus*, a cover for contrary faiths, and

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is not, according to the true use of oaths, the end of contraversies, but the beginning and seminary of them; each party are ready to plead against the other *as perjured*, each party complaining of the other as engaging them to destroy themselves, and to ruine their own principles, whereof we did see pregnant instances in the contests of the late times. *Fifthly*, Was there not some homonymie in the second Article abjuring Prelacy? This hath even divided Presbyterians among themselves; for, the *Apolog.* and his rigid Brethren *Will have all sort of Prelacy abjured in the Covenant.* *Timorous* will not have the *Prelacy of meer order* (as he calleth it) to be abjured in the Covenant, but *the pontifical and also the paternal Prelacy* (which, *pag.* 16. he calleth *tyrannical*, as if a father and a tyrant were all one) *Crofton* affirmeth, that only *the pontifical Bishops were abjured.* Mr. *Vines*, Mr. *Baxter*, *&c.* do avow, *that a Bishop with a negative voice, in ordination*, &c. *is not abjured in the Covenant*; and assert, that all that is abjured in the Covenant is only *a particular species or sort of Prelacy sprung up in the Church of* England, as it is plainly expressed in the Covenant it self, which expones it self in that point to mean only of that *aggregate complexion of Officers joined with the Bishops, Chancellors, Commissaries*, &c. This explication was made in the Assembly of Divines upon the motion of Doctor *Featly*, (whereas there was no such explication of Prelacy as the Covenant came from *Scotland*) So that for all the Covenant, we are free to own some sort of Prelacy, and to own the *primitive Episcopacy* which the Presbyterians, *Timorous*, *Crofton*, &c. profesſe themselves to be free to *submit to*; neither do we plead for any other Episcopacy but that. *Sixthly*, What should that mean in the second Article, that *We shall extirpate whatsoever shall be found contrary to sound Doctrine*? Found, when or by whom? If it be meant, whatsoever shall be found by any private person to be contrary to the Word of God, shall be extirpated, what a world of confusion shall we fall into? For, every heady private person will be ready to cry according to their private phancies, εὕρηκα, I have found the Truth, and ye my fellow-covenanters must walk in my light, else be *perjured.* Oh, confusion of confusions! Shall we make as many *Popes* as the persons that swore the Covenant, who will cry out, that they in their private spirit have found the Truth? But, if it be meant, that whatever should be found by any Assemblies that then were, to be contrary to sound Doctrine, should be extirpated, this was to attribute too much infallibility to them. Or, if it be said, that whatever should be found by any succeeding

ceeding Assembly to be contrary to sound Doctrine, should be extirpated; then by the Covenant not determining the time *profuturo*, when, or by whom, or by what Assemblies or Persons the consonancy or contrariety of this or that way to sound Doctrine should be found, all the matters of Religion are left loose and pendulous.

Finally, the fearful ambiguity of the thrid article of the Covenant, *concerning the defence of the Kings Majesties Person and Authority*, &c. is so palpable, that he that runs may read it, and the sensing of it hath divided the Presbyterians themselves; some taking these words we shall defend the Kings Person and Authority, in defence of Religion and Liberties, *as a specification of our duty to him in these particulars, Without excluding our duty otherwayes*; others, amongst whom is the author of *Napht.* and the *Apolog.* taketh the words, *as precisely restrictive and limitative of our duty to the King*; others as Mr. *Crofton*, take the words *neither specificatively nor restrictively of our duty to the King*, but only as a designation of the qualification and imployment of the persons covenanting, to this sense, *we being in defence of Religion and Liberty, shall defend the Kings Majesties Person*, &c. Was it then fair dealing, to bring the people of God unto a Covenant, upon the sense whereof, the main contrivers and abettours cannot agree among themselves? By what hath been said, we may see, that the Covenant being so ambigous, doubtful and unclear, it ought not to have been sworn at first, nor can the swearing be renewed, till it be cleared by some distinctions; no man can swear it in truth, because the truth thereof cannot be known; nor in righteousness, because in some sense it clearly wrongs others, whose right we ought to preserve; nor in judgement, because its meaning cannot be known: And how far all that is formerly spoken may be able to clear the christian Reader, from his obligation to the Covenant, it is referred to his mature judgement: And the Lord give us understanding in all things.

CHAP.

CHAP. IV.

Concerning the lawfulneſs of the Epiſcopal Office.

The Libeller's outragious and falſe revilings of the Office, Perſons, Converſation of the Biſhops, both generally and particularly are conſidered.

THe Libeller ſets open the flood-gate of his fury againſt the Miniſtry of this Land of all ranks, that he may render them odious to the people of God and move them to deſert the Miniſtry, that they may wander from mountain to hill, as ſheep without ſheepheards. But, the main force of his fury breaks out upon the Biſhops, men who were well known in the Country to have been ſuch as walked chriſtianly and as Miniſters of Chriſt, before they accepted the Office of a Biſhop. It ſhall be our work in this Chapter, firſt, to clear the lawfulneſs of the Office of a Biſhop; Secondly, to conſider his outragious ſlanders againſt the Office, the conſequences of it, the practices of theſe who have been inveſted with it; As alſo, the perſonal accuſations againſt the preſent Biſhops of *Scotland* not named and named by *Naphi*.

To begin with the former, *the lawfulneſs of the epiſcopal Office*: At the beginning of the Reformation of Religion, the Churches of God which came out of *Babylon*, though agreeing in a marvelous harmony in all points of ſaving truth and faith, and rejecting with full conſent the abominations of *Rome*; yet, there remained ſome difference among themſelves in ſome points of eccleſiaſtical œconomy, ſome retaining Biſhops or Superintendents, cutting off the corrupt dependency of theſe Officers from the See of *Rome*, and moulding them as near as might be to the general and particular rules of the Goſpel: others again, whether out of choice or out of neceſſity, or wanting favourable influences of the powers of the world to aſſiſt toward the eſtabliſhment of a laſting order, did remain without them: Yet did theſe Churches and Paſtors of different wayes entertain ſweet correſpondence among themſelves, indulging one another mutually in their diſciplinary differences, which they could bear with one in another,

other, *Salva fidei compage, salvo charitatis vinculo*; they did not grate one upon another for these matters of exterior discipline, but as Lambs plucked out of the mouth of the Lyon, they lay down together in the green pastures of God, testifying their Christian communion by their mutual respects one to another, forbearing modestly to give offence to any of their christian Brethren, in making shew to condemn their way in these disciplinary matters. Hence, at the first setting out of the Presbytery by Mr. *Calvin* at *Geneva*, there was much caution used that there should be no claim laid to a direct divine Institution of that order, lest other Churches which owned it not, might seem to be condemned in their way; but it was enough, if that Government could have from neighbour Churches the approbation that it was consentaneous to the Word of God, and not repugnant to it, though not commanded: This was all that could be obtained from the Churches of *Berne*, *Zurick*, &c. to satisfie the *Genevians* anent it, albeit they themselves would never receive it; See *Hookers eccl. pol. pref.* and *Nicolaus Galasius*, *Calvin's* Colleague, in his *Ep. dedic.* before the Book of *Exod.* But this measure of moderation continued not long; for albeit upon the one hand, Churches that embraced Episcopacy did think well of the Churches who liked the other form, and owned their Ministers as true Ministers, albeit they had not their ordination from Bishops, which was the regular way for fifteen hundred years upwards, and these other Churches again gave due respects to Bishops, and these who were ordained by them, though they could not see a divine right for the Office, yet they acknowledged a lawful and useful humane right by the Churches custom and constitution. Yet, when men much enamoured with their own invention, began to catch hold of some shreds of Scripture, seemingly sounding to favour them, they put a stamp of divine institution upon their own way, allowing the other way to be but an humane device, albeit lawful (when it did not subvert any part of that which they counted divine) but was contained within the bounds of Church-canons, agreed upon for preserving the order from corruption. But albeit reverend Mr. *Calvin* and *Beza* did speak reverendly of this Episcopacy, though looking upon it not as a divine Ordinance, but as an useful product of the Churches warrantable prudence; the experience of the Churches in many generations giving joint testimony of the benefit which they found therein. Yet, the followers of these and such like great instruments of God in reforming the Church, especially of late, have not walked by these ancient measures; but upon the one hand, some have so cryed up the

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Presbyterian parity in governing the Church, as the only form ordained by God for governing the same, and have vehemently cryed down the moſt moderat Epiſcopacy, as an humane device and anantichriſtian office; upon the other hand, the Guides and Paſtors of the Churches, which retained Epiſcopal government, finding diſturbances grow in the Churches by contentious ſpirits of that way, whom nothing leſs could ſatisfie, then razing even to the foundation and plucking up ancient Epiſcopacy by the roots, (a courſe attended by an heap of moſt dreadful confuſions) did more ſeriouſly ſearch into the matter, and howſoever, for the moſt part, they had not raiſed their claim for Epiſcopacy, above the lawful conſuetude and conſtitutions of the Church, tenderly regarding the honour of the Miniſtery of other reformed Churches, and the validity of their ordination, which a higher claim in behalf of Epiſcopacy being made good, had ſhaken terribly; yet, finding fierce invaſion made upon their own Churches, by hot ſpirited men, both branding the offices of Biſhops as antichriſtian, and making all the Miniſtery to be of an antichriſtian extraction and dependency, they did ſee it needful to reform their own judgements, concerning the order of Epiſcopacy; and ſearching the holy Scriptures, did find (as they were perſwaded) that Epiſcopacy is the only neceſſary perpetual government of the Church, derived from divine Authority and apoſtolick inſtitution or conſtitution, and conſequently maintained, that the Presbyterial form was a meer humane invention, to be eradicate and plucked up, all the World over, that Gods ordinance of Epiſcopacy might have place: Thus came the unhappy difference to be fixed in a ſtated and full oppoſition, and the controverſie hath been ſadly debated on the vaſt expence of lives, fortunes, families of the people of God, miſerable concuſſion and ſubverſion of Nations, wrapped up together in all the extream calamities of an inteſtine and civil War.

It is not our purpoſe in diſcourſing about this matter, either to prejudge the learned maintainers of the divine or apoſtolick right of Epiſcopacy, nor to prelimit our ſelves ſo, as to bar out any pregnant Scripture light, leading to that perſwaſion; but finding that in order to the defence of Gods people, from the imputation of the guilt of perjury and Covenant-breaking in this point, it was enough to evince the lawfulneſs of Epiſcopacy, abſtracting from the neceſſity thereof and the grounds of the ſame, therefore the lawfulneſs of the order, is here only undertaken to be maintained: If any would preſs us to be more poſitive anent the grounds of Epiſcopacy, though it be out of the way of our deſign, we ſhall briefly ſay theſe few things. First, that it is the

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appointment of Jesus Christ, that there be in his Church to the end of the World an official Power, (which we call Episcopal) paramount and above any power, that can be exercised by a single Presbyter alone, and this power is the power of ordination and jurisdiction: The Presbyterians themselves, will undoubtedly acknowledge this; for the question betwixt the Episcopal and them, is not whether this official power, incompetent to any single Presbyter alone, should be in the Church of God or not, the question is not anent the lawfulness of the power, which will be acknowledged *utrinque*, but anent the seat and subject of the power, whether it be equally diffused in the whole Colledge of Presbyters, or if it may be concentred in one person, yet to be exercised by their concurrence and consent: It is ignorance in men to dispute against the lawfulness of the official power of a Bishop in it self, for certainly that same power is in Presbyters, according to their own dictates. The difference betwixt the two is like that between *manus aperta* and *manus clausa*; Episcopacy is diffused in the Presbytery, but contracted in a single Bishop, yet so, as to be managed with the consent of Presbyters. A Bishops power cannot be called unlawful in it self, for then the power of a Presbytery, above any particular Presbyter, should be called unlawful; the most that men can say of the official power exerced by a Bishop is that it is usurped by him, that is, that it is not lawful for him to have it, albeit it be not unlawful in it self; but, when Bishops have their power by the lawful convoyances appointed for that end, by lawfull conventions both of Church and State since the reformation, the challenge of usurpation will be found unjust. Yet say, that their power were an usurped power, other deportment ought to have been used toward them, then hath been, as we may gather from the proportion of an lawful demeanour, toward the civil powers usurped; albeit, we are not indebted to pay the same honour or fidelity to usurping powers, which we owe to the lawfully invested powers, yet as from usurped powers, we may receive protection and relief against injuries, and are to do these things which we are otherwise bound to do at their command, though that be not at all the ground of our obedience; So, supposing Bishops to be usupers, I who am a private Minister, am bound in conscience to seek confirmation of my maintenance from them to enable me for preaching the Gospel; albeit I thought I had good enough right another way, collation from them and institution being made necessary by Law, I could not without frowardness refuse to seek for it. Again, being a member of the ministerial united Church,

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I could not refuse to entertain ministerial communion with my Brethren in governing the Church so far as I might, although called thereto by an usurping Bishop, because I was otherwayes bound to it by a divine Law: But, the course was laid with such heat, that men had rather choose to leap out of the Ministery, then either to take the favour of the confirmation of their Stipends from a Bishop according to Law, or to do their necessary duty in holding and maintaining the ministerial communion of Church-judicatories, because he called them thereunto: Generations to come will perhaps wonder at this way.

2. It is *Juris divini* and Gods will, that as Ministers should unite and associate themselves together in certain convenient circuits, so that they should set over them one single person to be Moderator, to govern the actions of the meeting, and to preserve due order among the brethren; he will not have the meetings of his Ministers, like the *Cyclopik* rabbles, where *ουδεις ουδεν & ουδεν ακουει*. In all societies the very light of nature teaches, that there must be such a prostasie or precedency, and in the Church these are reckoned by the great opposers of other sorts of Episcopacy *Episcopi divini*.

3. It is *juris divini*, by way of approbation, that the Churches in their Ministerial combinations for government, should have one over them, who should have *exors potestas*, as *St. Jerom* speaks, a singular power for the prevention of schisme and disorder, and that he should have such a power, as that what is done wrong in the Church may be imputed to him, for not using his power as he ought, and what is done right, may be also imputed to him, as using his power well; this is manifest from the Epistles, directed by Christ to the Angels of the Churches in the *Revel.* 2. 3. who as it is manifest, were each of them single persons, having precedency over Presbyterial Churches, not only parochial as is acknowledged ingenuously by these greatly learned men, Mr. *Beza*, Mr. *Cartwright*, Dr. *Rynolds*, upon these places, besides *Augustine* and many other ancients and moderns of that same judgement; had they been other then single persons, they would not have been compared by the spirit of God to single stars, but to constellations; and men may with as good reason imagine, that *Church* and *Candlestick* imports far more, then the seven Churches and Candlesticks named, as to think, that the Angel imports many Angels. Again, if by *Angel* be meant the collective body of the Presbytery in each of these Churches, (a strangely harsh exposition) ruling Elders, whom they account at least the large half of the Presbytery, should come also under the name of Angels, and the Messen-

gers of the Lord of Hosts, a thing absurd and unheard of in all the Scripture, or else there were no ruling Elders in these meetings, which concession shall be accepted: Mr. *Blondel* himself in his Preface, speaking of these asiatick Angels or Bishops, *pag.* 6. he saith, that to them *confluebat prima Ecclesiæ cujusque cura*, and that *Grex* was *commissa iis seu ἐξάρχοις*, and saying, that *tam κατορθώματα quam pudenda gregis iis imputari potuisse*, sets these *præpositi*, Angels or Bishops high enough, as any will think who knows, what the *Exarchat of Ravenna* was in the western Impire, to which office he compares these. And how could it be, that the chief care of the Church should lye upon these Angels, so that the Flock was committed to them chiefly, and what was right or wrong among them, was imputed to them justly, if they had not a power above a meer Moderator, who hath nothing to do but gather votes, his own vote being insignificant against the plurality, and swallowed up thereby?

4. It would be remembred, that as there are ordinances meerly divine, so there are ordinances mixt, which are called *divino Ecclesiastica* (as Mr. *Calvin*, speaking of geniculation in Prayer, saith of it, *lib. inst. 4. cap. 2. aio ita esse humanam, ut simul sit divina ordinatio*) there are some ordinances that have a divine ground and withall adjoyned thereunto a positive humane institution, amongst which, what good reason may be given why this of Episcopacy may not be reckoned one? The light of Nature (which is of God) allowing the chief dignity and rule where there is greatest worth; the word of God, recommending the chief and likeliest means of unity to his Church, and Episcopal power being (as was said) necessar to be continued in the Church, the Churches positive determination for subjecting that power in one person in a certain circuit, as being fittest for preserving unity, and well agreeing with natures dictate of proportioning the dignity and power to worthy qualifications, may at least bring Episcopacy of one person over others within the compass of these divine Ecclesiastical ordinances.

5. How far this subjoyned deduction, may infer a direct positive institution of God, for the superiority of one Church-officer of a certain circuit over others, we refer it to the judicious, who will ponder these three or four particulars. 1. That as Jesus Christ, the [illegible]at Bishop of Souls, as he is called, 1 *Pet.* 2. 23. received from his Father plenitude of Church power, to be made use of untill the Elect be gathered in; so, did he send forth his Apostles, with plenitude of power for all Church-offices, necessary for edifying

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and preserving his Church; as power to Preach, to minister Sacraments, to preserve his Church in purity and order by godly discipline and jurisdiction, and to ordain men for doing such works, so it is imported, *Joh.* 20. 21. When he said to them, *As my Father hath sent me, so I send you*; and when he breathed the holy Ghost upon them, even for the ordinary work, for the retention and remission of sins, as it follows in the Text. 2. The Apostles had successors to themselves in that plenitude of ordinary Church power, for that power was not to cease untill the end of the World, and therefore our Lord promises, *Matth.* 28. 20. *I am with you alway, even to the end of the World*, meaning with them and their successors. 3. The great question is, who are the successors of the Apostles in this ordinary Church-power? There be only three probable pretenders to that succession, single Presbyters in the modern notion, colledges of these Presbyters in a full equality of power, or some single persons having superiority of power over ordinary Presbyters. As for the pretensions of the people or of any other to the Church-government, we put them as irrational. Now, as to the determination of this question of the matter of fact upon which so great a *jus* dependeth, it must be had from the historical narrations of the acts of the Apostles contained in Scripture, and from the first and surest light, that Church story can yield us, in the most virgin times of the Church. First then, that the Apostles committed that fulness of ordinary Church power to any single Presbyter, in the modern notion, to be exercised by himself alone, Presbyterians themselves will not say, that no single Presbyter hath, in and by himself, power of actual ordination of Ministers or Jurisdiction, will be easily agreed to on all hands. 2. If it be alledged, that Colledges of single Presbyters had that plenitude of Church-power committed to them by the Apostles, if they can shew us any such Colledges of Presbyters set up by the Apostles, instructed with such power, or any example of such Colledges, managing such power, they will say very much: But we pose them peremptorily, where they can shew in all the History of the Apostles, that such a Colledge or meeting of Presbyters, was by them instituted or impowered with this plenitude of Church-power, or that such a meeting did ever exercise such a power (especially taking in with them meerly ruling Elders) meetings of Presbyters we often find spoken of in Scripture, but not meetings of Presbyters in equality of power; there were alwayes superior Officers with them and over them, ruling and ordering their Church-actings; if any contrary example can

be pretended, it shall be considered. 3. That the Apostles did commit the plenitude of ordinary Church-power, to some single persons in a superiority above other Ministers, may not only appear from the Asiatick Angels, *Revel.* 2. 3. but most luculently from *Pauls* directions to *Timothy* and *Titus*, whom he sends to ordain Ministers and use a judicatory power in *Ephesus* and in *Crete*, notwithstanding there had been many Ministers there before, who if these powers had been competent to them without a higher officer, had not needed his coming there upon such errands: Besides, it is the greatest possible evidence that can be in such a matter of fact, that immediately after all the Apostles departure out of the World, and for two hundred years after, to the Council of *Nice*, there was no other government of the christian Church over all the world, but that of Bishops, who were neither meer Paroch Bishops, nor meer constant Moderators of Presbyteries, (as men alledge) but persons invested with a superior authority, for preservation of unity and order, as might be by many arguments evidenced, and by the practice of these neerest ages to the Apostles (yea, coming within some of their own times) being universally and uncontrollably received, is to us the best Commentary upon what the Apostles did in Church-government, when they were living, *Lex currit cum praxi, & consuetudo est optimus interpres Legis*; but we shall spare to lanch forth to this matter, it being enough to our purpose for quieting the minds of Gods people anent the Covenant-obligation touching Episcopacy, and anent their submission to it, that it is *lawful* though it were not necessary; and let it alwayes be remembred, that when meer *lawfulness* is pleaded for, the *necessity* is not denyed; and besides, though only the lawfulness of it as a humane ordinance were pleaded and evinced, yet it is *Juris divini*, that I obey and submit to a lawful humane ordinance and command, even for the Lords sake.

Thus we enter upon the particular considerations of these places of holy Scripture, which have been used to give some apparent proof of the necessity of Presbyterian parity in governing the Church of God, and the unlawfulness of Episcopacy: In the searching of these Scriptures, there is need of greatest self-deniedness and submission of the high imaginations of our hearts, to the mind of Christ: with much sobriety and sincerity ought we to pour forth our hearts to God, and to say, *open thou mine eyes, that I may behold the wonders of thy Law.* Gods word is his royal banner spread out, before which all our proud wit, high professions, engagements of reputation and credit

credit, should stoop and lye low, and as it was said by a grave Divine in another case, so should we say, *veniat, veniat verbum Domini, & si sexcenta colla nobis essent ei submitteremus*, let Gods word triumph, and let us in all our oppositions of science, falsely so called, and the proud out-runnings of our wit, be perfectly subdued to Christ and his revealed will, laying aside our own wits and wills, let us sincerely pray *that his will may be done in earth, as it is done in Heaven*: It cannot be expected, that after so many learned pens have traveled upon these Scriptures, any new matters should be brought forth; yet will it be some satisfaction to the Reader, to have these things brought as it were under his eye in a short view, which are made the grounds of such debates, as that for them this World is endeavoured to be turned upside-down, Kingdoms shaken, Thrones overturned, the blood of the people of God lavishly poured out, like water spilt upon the ground, and if men of violence could carry their will, all our former calamitous confusions should be reacted and over-acted. But if by a genuine and fair interpretation of these abused Scriptures, it shall be found, that neither is Presbyterian parity necessary in governing the Church, nor Episcopacy unlawful (which two are connexed purposes) it is hoped, that the sober minded people of God will intertain other thoughts of these Governments then they have done.

The first Scriptures made use of, for proving parity of Ministers in government of the Church, and disproving imparity or superiority of any over others, are, *Mark.* 10. 42. *Math.* 20. 25, 26. *Luk.* 22. 25. Where, because Christ our Lord, speaking of the Kings and great ones in the earth, *their exercising dominion and authority over the subjects*, forbids his disciples to do so, *it shall not be so among you*; therefore it is concluded, that there should be no superiority or governing power of Ministers of the Church above Ministers, but all should be equal. *Ans.* 1. It may be doubted, if there be in these Texts any prohibition at all given to Christs Apostles, but only a meer prediction of what was to be their lot in the World, ὑμεῖς ἔχ ἔσται, *Luk.* 22. 26. this shall not be your condition; and notwithstanding of the verb ἐσται used in the other passages, yet it may import no more but a prediction that they were not to have a stately, glorious, worldly, pompous superiority over others, (which they fancied in the Kingdom of Christ) for often had he foretold them, *That in the World they should have trouble, that they should be hated and despised by all men for his name sake, and should be drawn and persecuted before Kings and Councils for his Gospel-truth*: Now to prohibite

prohibite men, who had been assured by him of such lots, to reign over others like Kings and Grandees, in state or pomp, would seem as incongruous, as first to assure a man that all his dayes he should be a beggar, and then charge him straitly that he should not play the part of a King. 2. Let it be granted, that there is here a prohibition or something forbidden, two things are to be considered, first, what is prohibited, and secondly, who are prohibited; the thing that is forbidden, is that sort of dominion and exercising authority, which was among the Kings of the Gentiles and their great Rulers, according to which the yet too rude Apostles (untill they were indued with the Spirit from on high) fancied that their masters kingdom on earth, was to be formed; hereupon they did often entertain vain and big thoughts, and had their contentions, who should be greatest in that imaginary kingdom, *Luk.* 24. 21. *Acts* 1. 6. *Math.* 18. 1. *Mark.* 9. 34. our Lord Jesus several times takes them off that delusion, forbidding them to expect in his Kingdom that grandure, that earthly pomp, that coactive power, which was to be seen in the Kingdoms of the World; this which was much in their mind, he discharges them to aim at to affect, to attempt; not discharging all superiority or authority of any of his Ministers above others, but only such a manner of superiority or authority, as Kings and Worldly Grandees use over their subjects, *υμεις ἐχ ὕτως, you not so*, he forbids not *rem, sed modum rei*, not government, but the manner of government used by the great ones in the World. Thirdly, it would be considered, to whom these words were spoken, *It shall not be so among you*, certainly they are spoken to the Apostles; but, because several things are spoken to them by Christ, in several capacities, therefore we would search in what capacity this is spoken to them; sometimes our Lord speaks to his Apostles, as representing all Christians, as *Mark* 13. 37. *What I say unto you, I say unto all, watch*: sometimes they are spoken to as standing in room of, and representing only Ministers, as when power of remitting and retaining sins is given them, *Joh.* 20. Sometimes again that is spoken to them which concerns themselves alone in their Apostolick capacity, *Math.* 19. 28. Now this supposed prohibition of superiority and authority, cannot concern them in the first capacity; for then the Anabaptists conclusion might be easily inferred, that there should be no superiority or authority of one Christian above another. Again, if the third be said, to wit, that it is spoken to Apostles as Apostles, then the Churches and Ministers afterward are not concerned in that inhibition: It is is easily yielded (as *Cyprian* speaks) that

that the Apostles were *pari consortio honoris & potestatis præditi*; but that sayes nothing for the universal parity of Church-men, nor against the superiority which undoubtedly the Apostles had over other Church-men. And if the second be said, to wit, that this is spoken to the Apostles as representing all Ministers, so that the inhibition is of superior authority of any of them above others generally and for ever, we must seek a proof from the affirmers of this, or else say, it is *gratis dictum*: yea, we give much evidence to the contrary of this; 1. It is undoubted truth, that Jesus Christ gave the Apostles a superiority over all Ministers of the Church, and over all the Church; hence they ordained Ministers, excommunicated offenders, as *Paul* did *Hymeneus* and *Alexander*, they made their decrees for exercise of jurisdiction, and sent them to the Churches, as 1 *Cor.* 5. 3. he saith κεκρικα, I have made a decree, and determined to deliver such an one to Sathan. So he speaks elsewhere to that same Church, *of his rod wherewith he threatens to come to revenge all disobedience*; and the Apostle, 3 *John* 9. 10. threatens insolent *Diotrephes*, who opposed the Apostle himself, loving to have that preheminence which was undue to him, that he will not spair him, *but remember his evil deeds*, 3 *Joh.* 10. Is it not also evident from the Epistles of *Timothy* and *Titus*, that these persons (call them Evangelists or what they will) had a ministerial Authority and judicatory Power over other Ministers, as is there clearly and above contradiction written as with a Sun-beam. Therefore, this Text dischargeth not all superior authority of Ministers above Ministers: If it be said, that Apostles and Evangelists were extraordinary Ministers, so that others may not do what they did; it is answered, If this be a Law inhibiting all superior authority of any Ministers above others, extraordinary Ministers are not excepted, *ubi Lex non distinguit, non est distinguendum.* And strange it were, that whereas the ambition of greatness began here among the Apostles, the cure should not be applyed to them, but rather to other Ministers, and a superior governing authority should be permitted to them and not unto others. Secondly, 1 *Cor.* 12. 28. *God hath set in his Church first Apostles, secondarily Prophets, thirdly teachers,* επειτα *or after miracles*, which is not a bare numbering of the Officers, but an ordinal numbering according to their degrees in the Church, in reference to the objects they were employed about. Again, is it not certain, that even according to their own mind, there is among Church-men superiority and inferiority? for, they are the superior Officers who have the more excellent work to do, as the Pastor

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is superior to the only ruling Elder, and he to the Deacon. Neither is it only an objective superiority, in regard of more excellent work which Pastors have in hand above others; but there is an authoritative superiority which Pastors have and exercise, at least doctrinally over all other Officers in the Congregation; for, he is a Steward and Officer set over that whole part of the House of God to rule it: Nor is it easily understood, how that coming from Pulpit he should be so suddenly metamorphosed, that as to disciplinary authority, which is but more particular and personal application of the word, he should sink below his assistants in the Session, and his voice swallowed up and overcome by theirs. Thirdly, furthermore, if all governing superiority and authority be inhibited to Ministers over others, it is either a governing superiority of one over others, which only is forbidden; or else the governing superiority of many, or of some number over many others: The first cannot be said; for Christ one Lord, if he discharge any thing, he dischargeth not only a Monarchick or King-like Government over his Ministers, or that one should have governing authority over others; but he also dischargeth the government of many, or of some number over others in an aristocratical form, wherein there may be as high state and pomp, and peremptory commanding, as in a Monarchy or Government by one. Christ our Lord will not have his Disciples in their Government no more like the οἱ μεγαλοι and δοκοῦντες ἀρχειν, *Mark* 10. 42. the Grandees and such as rule with great state-appearances, though they were not Monarchs, then he will have them like Kings and Princes. Now if the second be said, that he dischargeth all authoritative superiority of many, or of some number of his Ministers over many, this will certainly destroy the Presbyterian form of Gvernment, and their superiority of Judicatories above Judicatories in the Church, and the paramount superiority of Commissions of the Kirk, ruling over the whole Ministry of the Church in the intervals of Assemblies. What would these say to Christ's word, *it shall not be so among you*? What answer could they make to an Independent pressing this word against authoritative Judicatories of some Ministers over many Ministers? It were a poor shift to say, that any jurisdiction which Ministers have over Ministers is only for a time, and that they who have it are countable; for, as to the former, the temporary continuance is but an extrinsecal circumstance; if the jurisdiction and authority of Ministers over Ministers be in it self unlawful, as it is pleaded, the using of it is not lawful for an hour, more then for a life-time; continuance short or long makes no difference in the substance

substance of the matter, and as for the accountableness talked of, as members of a General Assembly are not, according to their principles, accountable for their free votes; so we know that the professed accountableness of the Commission of the Kirk to the Assembly, was little better then a mockery; for, they had power to punish all the Ministers of *Scotland*, if they would not obey all their Acts, before the the Assembly came; So that they could provide, that they should have none in the Assembly to count to, but such as they had already ingaged in practice to own their actings; and how easie was it, to be accountable upon these terms? Bishops will not decline to be accountable to any lawful Assembly, upon terms of greater disadvantage.

4. That our Lord doth not inhibit all governing superiority of some Church-men over others, appeareth from the Text, *Luk.* 22. 26, 27. and *Math.* 20. 26, 27. wherein he supposeth, that there shall be amongst his Disciples, some who in comparison of others are great and chief (even meaning of power and authority, otherwise the speech were not to the purpose) and gives direction to these who should attain to that superiority, chiefty and greatness in the Church, how to demean themselves humbly, usefully and profitably, to the edification of others; so he saith, *Luk.* 22. 26. *He that is greatest amongst you, let him be as the yonger; and he that is chief, as he that doth serve*: This same direction he hath also, *Math.* 21. 26. *Whoever will be great among you, let him be your Minister; and he that will be chief among you, let him be your servant*: Which is not a word importing either a reproof of moderate willingness of serving of God, in some higher place in the Church (without ambitious vain affectation of the honor separate from the work) this the Apostle condemns not, when he saith, 1 *Tim.* 3. 1. *He that desires the office of a Bishop, desires a worthy work.* Neither doth our Lord give direction to others of his Disciples, to undervalue such a man as base and unworthy of honor; while he saith, *Let him be your Minister, let him be your Servant*; but he gives direction to such as are willing to undergo great charges in the Church of God, without vain ambition, how they ought to demean themselves, even condescending in most lowly manner to all the offices of love, to the necessary good of the people of God. This is so evident, that it cannot be denied; for immediately after, *Math* 20. 28. *Luk.* 22. 27. he propounds himself in his holy humility and serviceableness unto his people, as a pattern, which he will have these who are great and chief in his Church to follow, which shall not diminish their

greatnes no more then it did his, who even then when he had washed his disciples feet, *John* 13. *told them, you call me Master and Lord, and ye say Well, for so I am*: So that our Lords meaning in these passages, is not at all to inhibit Church jurisdiction of Ministers over Ministers, but meerly to inhibit the arrogating of earthly and wordly state, pomp and power, upon the account of their being his Ministers, and to shew that the government of his Church was not to be managed in an earthly pompous coactive and dominative manner, as the Kingdoms and States of the World are managed; He calls his disciples from imitation of that wordly splendid way of government of Kings, *&c. It shall not be so among you.* But it shall be among you in your government of my Church, according to my example, who though I have authority, yet do not affect outward state among you, but condescends to the lowliest offices of love, and laying out my self for your good, that you may learn to be followers of me in governing of others.

5. The governing superiority, which here our Lord Jesus doth discharge (if he doth at all discharge it) is not only of Ministers over Ministers, but of Ministers over people; for it is evident, that the ambitious desires of the sons of *Zebede*, yea and of others of the Apostles, were not only to have rule one over another, but to have rule over the other subjects of Christ; therefore, Christ in dehorting them to follow the Kings of the Gentiles, makes not mention of authority of Kings over chief Grandees, but over all their Subjects [*the Nations*] and although he saith, *It shall not be so among you*, it imports not, that he only dischargeth superiority of any of them in relation to others; but it imports, that none of them, whether in relation to other Ministers or to people, should claim that sort of government which he dischargeth. Now it is certain, he dischargeth not all government of Ministers over people; but only a dominative, lordly and worldly way of government, (for he grants them a paternal and ministerial government) So neither doth he discharge the rule of one or some Ministers over others, but only the lordly and earthly way of it; it is not Christs mind to say to his Ministers, you shall rule the people, but none shall rule you. Neither can the Presbyterians asserr, that in their way, Ministers are not under the government of Ministers; for to say nothing of superior Assemblies, whether ordinary or extraordinary, governing the inferior, is not the lesser part of every Assembly governed by the greater, and although they will not state nor fix the government in any persons, that makes no alteration, as to the point of government or ruling; for, variably according to different questions and causes,

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some or others are ruled or over-ruled by the suffrages of the most, if it be not a stedfast fixt government, as to persons, it is vicissitudinary, sometimes on party carrying the matter, and sometimes another.

The next place of Scripture made use of for Presbytery against Episcopacy, is *Math.* 18. 17. *If thy Brother trespasse against thee*, &c. *go tell the Church*, &c. whence it is argued, that Christ our Lord giving out the great Charter of censuring Jurisdiction, to be exercised among his Subjects, doth not give that power to one man, a Bishop, but to the Church, and one man cannot be a Church. *Ans.* Though we disclaim *Æraſtus* his way, and thinks that there ought to be a godly discipline in the Church for correcting offenders, and keeping the house of God and his ordinances in purity, yet that this Text speaks of that ecclesiastical jurisdiction, discipline and censuring, (though other Texts doe clearly enough speak thereof) is not to us so undoubted: plain it is, that a course is prescribed by our Lord, for charitable and equitable removing of private quarrels and offences that might arise among brethren, both to gain their friendship, and to gain the souls too from the guiltiness of the breaches of charity; this is cleared, *v.* 21, 22. of that same *chap.* and from the place which is near parallel, *Luk.* 17. 1, 2, 3, 4, &c. whence may appear, that Christs direction is in limitation to private injuries, and not to be extended to the whole latitude of all offences, to which the direction given by Christ here, cannot be suitable, even in the sense of the contrary minded. There are offences arising upon sins of omission, as well as commission, upon sins of quotidian incursion and ordinary ignorance and weakness, as well as willfulness, there are scandals arising upon matters of opinion as well as practice; there are secret scandals, yet in attrocious and land-defiling sins, as well as there are open scandals, there are scandals injurious to God, and others to man; there are scandals criminal, and there are scandals civil or rather uncivil, in points of oppression, &c. sometimes the actions of supream powers may be scandalous to the meanest, and sometimes their actions unto the powers; some times that which is scandalous may be treasonable and subversive of the State: Shall we think, that in all these cases, Christ by his direction, layes band upon his people to follow these rules punctually, going from the step of private reproof to more open, and then presenting the matter to a Judicatory, private wayes not availing? If a fault be a piece of common frailty or ignorance, should it be thus prosecuted? If it be a publick fault, what needs the steps of private dealing? If it be attrocious and land defiling, as murther, bestiality, &c. should this method be

uſed ? If it be a matter againſt King and Countrey, Should men ſiſt in a private admonition, if the perſon only ſay that he repents ? Should private perſons upon all offences alledged given to them by Princes, admoniſh them, or proceſs them before Church-Judicatories ? Should all criminal and civil cauſes, where an injury is pretended to be done, be brought before Church Judicatories, who plead their juriſdiction to extend to all ſins which Gods Word reproves, nor will be confined with any enumeration of ſcandals, to be dealt in by them ; certainly, here will be work enough for Church-Judicatories, and work enough for Chriſtians to be buſied in, though they had nothing elſe to do : nor will it ſatisfie to ſay, the precept of Chriſt being affirmative, binds not *ad ſemper*, but in certain fit circumſtances ; for, albeit affirmative precepts do not bind *ad ſemper*, or to do the thing commanded in all times, yet it is a ſtrange affirmative precept, that binds not ἐπὶ τὸ πολὺ, or for the moſt part ; but if this ſuppoſed affirmative precept did ſo bind, it would ſhoulder out the moſt part of other duties of Chriſtianity, and turn men abſolutely pragmatick in the affairs of others, and multiply inconveniencies in humane ſocieties. But not to divert much upon this, it were good they could reſolve us in this one queſtion, which concerns the joynting of this ſuppoſed diſcipline with the civil government ; whether, when a man is oppreſſed in his civil inheritance by his brother, and is ſcandaliſed by his oppreſſing of him, may he not tell the Church and complain of the ſcandal given him by the injurious oppreſſion, as he ſaith ? and may not the Church take notice of and judge the cauſe ? If it be ſaid ſhe may, then ſhe muſt find her ſelf a fit judge of the injury, before ſhe can judge of the ſcandal founded upon the injury ? And thus, what plea concerning oppreſſion, *&c.* may not be brought before Church Judicatories, to the great confuſion of the Church and State ? If it be ſaid, the Church may not meddle with ſuch ſcandalous injuries, how is it then that ſhe ſayes, her jurisdiction extends to all ſins which Gods Word forbids ? How can ſhe in piety decline to judge of that which ſhe ſayes is in her commiſſion, although the matter may be put off in policy ? If it be ſaid, ſhe will refer the judging of the civil injury to the civil Magiſtrate, and her ſelf only judge of the ſcandal, how can this be ? The ſcandal cannot be judged without the injury be judged by the Church ; in her judging of the ſcandal of oppreſſion, *e. g.* ſhe muſt either follow the antecedent judgement of the Magiſtrate, and pronounce that ſcandalous, which they have pronounced injurious, (which is indeed not to judge, but to follow blindly the judge-

judgement of others) or else, before they can judge the scandal, they must revise the whole process *de novo*, and parties and proctors must be heard, and matters carried from Assembly to Assembly; and how the civil Magistrate would take such re-examination of his proceedings upon any pretence, who cannot but know? And if it shall happen, that the Church shall declare a scandal in a matter wherein the State finds no injury, or upon the contrary, what clashing and confusion should arise? and although mens moderations may stint their practices (the Church referring civil causes, as they call them, *in primo instanti*, or altogether to the civil Magistrate) yet if we look to the doctrinal principles of that way of discipline, hardly can mans wit establish the same in an amicable conjunction with the civil government: if the avowed principles be followed, incroachments upon the civil power and confusions cannot be avoided; Gods people shall be in danger to he hurryed perpetually between clashing Judicatories civil and ecclesiastick; some absolving men from injury, while others involves them in censure of scandal and upon the contrary, and some contentiously following the plea of scandal, while they succumb in the plea of injury and upon the contrary. 2. But to wave the tedious arguments and replies, about founding ecclesiastical jurisdiction in this place, it shall be for once granted, that the Christian Church jurisdiction is here spoken of, and the granting of this shall be without prejudice of our cause; for, whereas it is argued, that one man cannot be a Church, we would enquire again, what is meaned here by Church? If the essential collective Church be meaned, it is true, one man cannot be a Church; but Presbyterians would not yield to this, that they may not give the victory to the Independent, who pleads, that it is the collective Church that is meant: But if it be said, that here is meaned the representative or perhaps the virtual Church, then it may be enquired, whether it be necessary for a representation of a Church to consist of many persons? It seems indifferent to the nature of a representation, whether the representative of a community be one person or many persons; we know in Parliament, some Cities and Shires have two Commissioners, some have but one, and that one in the stile of the Court, bears the name of the Community that sent him; and sometimes one Commissioner may represent a whole Presbyterial Church in an Assembly. *Tell the Church*, is tell the presidents and rulers of the respective Churches where the scandals fall out, and telling him that is chief, that he with his assistants may put order to the matter, is a telling the Church. A mans head which is but one, may sufficiently

represent the whole man in a portraicture, and bears the name of the whole man. 3. Though jurisdiction be attributed to the Church, it is nothing against us, who do not grant the exercise of Church jurisdiction to one single person acting solely, or to a Bishop, excluding the counsel and assistance of Presbyters. As we approve well of that which is so often inculcate by ancient *Ignatius*, in his Epistles, Μηδεν χωρις επισκοπε γενοιτω, let nothing be done in Church government without or separatly from the Bishop; So we well allow the moderation of the fourth Counc. of *Carthage*, 23. chap. *Ut Episcopus nullius causam audiat absque presentia Clericorum suorum, alioqui irrita erit sententia Episcopi, nisi Clericorum præsentia confirmetur*: neither can it be said, that any scandal can fall out in our Church, where there is not a plurality, before which the scandalous person may be convented; howsoever, there may be superiority and inferiority, yet there is a plurality of Officers, whether judging or advising, there is a Church determination, which is the result of the concurrence of all the members; neither doth the notion of the Church, import an equality of power in all, as is clear in one organical Church, made up of rulers and ruled. 4. We find the highest censures of the Church, inflicted by the authority of single persons, whoever otherwayes concurred with them; S. *Paul* excommunicated *Hymeneus* and *Alexander*, [*whom I have delivered to Sathan*] saith he 1. *Tim.* 1, 20, To say that he was but one of the *quorum*, and had others acting in an equality of power with him, is to make Scripture say any thing that men will, and to make him a bragard, boasting to have done that wherein others had as great and greater sway as he: Now the Apostle in doing this, either transgressed Christs precept, arrogating to himself what belonged to the Church, which men should be loath to say, or else did so by extraordinary warrand; but, this cannot be produced, nor was it one of the extraordinary characters of the apostolical office to act in these matters by his own only authority: Whatever the Apostles had or used beyond immediate calling, infallible direction, limited jurisdiction and power of working miracles, was transmittable from them to their successors in the Ministery, and they did transmit the same to such persons as *Timothy* and *Titus*, as appeared by the Epistiles to them, who exercised authority, though it is like with the consent and concurrence of Presbyters. 5. Although there be a power given to a Church of censure and jurisdiction, yet this will not infer an equality of the power of all the persons in that Church; for, all who are for establishing Church-jurisdiction from this place, do

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agree, that our Lord speaks here of the Christian Church-courts, in allusion to the Jewish Church-courts, those being to succeed unto these. Now that there was such an equality in the Church-courts higher and lower, which are supposed to have been among the Jews, that no Member was in power above another, how shall it be instructed? Were there not chief Rulers in the Synagogue and subordinate? And who will think that the meanest Levite was equal in power in the great Sanhedrim with the highest Priest of God, upon whose sentence determination of things doubtful mainly depended? *Deut.* 17. 6. It must be supposed, that our blessed Lord in this place, if he give direction at all concerning remedying of scandals, giveth such direction as might presently be made use of upon the rising of any scandal; for it is not to be thought, that he only giveth direction for remedying scandals which were to arise a long time afterward, but even for these which might presently arise: Now what was that Church which behooved to be told and complained to, if *Judas* should then have given scandal to *Peter*? would our Lord send them to any Sanhedrim of the Jews, higher or lower, to debate their matters? Who will think so? That had been to expose himself and his company to the mockery of his malicious enemies, and increase the scandal, to the prejudice of the Gospel; therefore there behooved to be a Church-christian, to whose judgement that matter should be referred: Now where was this Church-christian who may judge betwixt these two Apostles and cognosce of the scandal? *Gersom Bucer* in his *Exerc.* speaking of this place, *Mat.* 18. and of this doubt, saith, *that Christ and his Apostles were a sufficient representative christian Church, to which Church matters might then be referred*: Verily, we accept well of such a christian Presbytery or representative Church, made up by Christ the Bishop of souls and his Apostles; here there was neither equality of power in all the Members, as is manifest, nor intermixture of Lay-elders; this is a primitive Presbytery indeed, according to which form others afterward should be framed; *illud verum quod primum*, saith *Tertullian*; Give us such a Presbytery, and all our controversie were at an end, and if we will not follow that pattern, we were not worthy to be heard any more.

But to go on; they argue, that in the times of the Apostles, Presbyters and Bishops were all one in office, and that they left no Bishops, but such as were the same in office with Presbyters and Elders; and therefore, that now there ought to be no Bishops in the Church, but such as are of the very same office with Elders and Presbyters, Presby-

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ter and Bishop being but two names of one thing. This they labour to prove from *Acts* 20. 17. 28. where the Elders of the Church sent for by *Paul* to *Miletus* are called Bishops; and from *Titus* 1. 5. 7. where he that is called an Elder, is called also a Bishop, and the names used as synonims and words of one signification: So, 1 *Pet.* 5. 1, 2. the Elders are Επισκοπουντες, such as have the oversight over the flock. The strength of the objection lyes thus; if there were no Bishops in the Apostles dayes differing in office from Presbyters, there ought to be none such now; but in the Apostles times there were no Bishops differing from Presbyters in office, therefore there ought to be none such now: The second proposition is proven from the mentioned Text, where Presbyter and Bishop signifieth but one sort of Officers, *viz.* the single Presbyter in the modern notion. *Anf.* 1. The first proposition is not so indubitate as they would have it seem to be; even their own great Mr. *Beza*, though he be of opinion, that in the Apostles times there was no other Bishop but a Presbyter in the modern notion, and that such are meaned by Bishops in Scripture; yet doth freely acknowledge the lawfulness of that primitive Episcopacy which he calleth humane; and against *Saravia* often professeth, that there was no sin in setting up Episcopacy, as it was set up by the Ancients, nor any opposition in it to the apostolical Ordinance. So that, although in the Apostles times no such Bishops had been, yet the lawfulness thereof might subsist by the constitution of the Church of God, guided by his holy Spirit, to use fit means for conservation of her own peace, as cause and occasion was seen in after times. 2. As to the second proposition, that there were no Bishops in the Apostles dayes differing in office from Presbyters in the modern notion, is sooner affirmed then proven. The Presbyterians are in this matter much like the melancholick man at *Athens*, who never did see any ship arriving at the harbour of *Athens*, but instantly imagined it to be his own, and concerned himself as seriously in every Vessel, as if Vessel and Goods had been his property, when there was no such thing. So do they imagine, that whatever Presbyter or Presbytery is spoken of in Scripture, presently is meant Presbyter in the modern notion, and Presbytery of their form: but we shall labour to help their mistakes by these considerations.

1. The name of Presbyter is not in holy Scripture a distinguishing name of one sort of Officers from all others, (although sometimes as a passage of Scripture requires, it must be looked upon as distinguishing these that are under that name from some other Officers)

Officers) Remarkable it is, that when God is affirmed to set Officers in his Church, 1 *Cor.* 12. 28. it is said, *he set in his Church Apostles, Prophets, Teachers,* &c. but not that he set Presbyters in his Church; and, *Eph.* 4. 11. when the officers which the ascended Saviour gifted to the Church are reckoned up, Presbyters are not among them; it is not said, that he gave any Presbyters to his Church, that name being none of his appointment for designation of any certain order of his Ministers, albeit under the name of Pastors and Teachers, both they and Bishops are comprehended in this catalogue, and given to the Church.

2. It is certain the name *Presbyter* in Scripture, is not appropriat to any one sort of officer, nor to the Presbyter in the modern notion, which is the continual mistake of the Presbyterians: I know not one place of Scripture, where the name of Elder or Presbyter is mentioned, that must needs be understood only of an Elder in the modern notion, or of an officer fixt to a particular charge in teaching and ruling, having no other above him in power, nor having power over any other officers; if we look to the principal places where the name is mentioned, we shall find it so; see *Acts* 14. 23. where it is said, *the Apostles ordained Elders in every City*: it may be questioned what Elders are meant; Presbyterians will not deny, that there are Elders of the first and second rank, some teaching, others ruling only, and the dignity of the one sort is very far above the other: Now they must either say, that under the name of Elders, are only meaned preaching Elders, and so the Apostles plantation of these Churches with a Ministery had been very defective, seing neither ruling Elders nor Deacons are mentioned to have been planted by him; Or else they must grant, that under the name of Elders, are comprehended the several sorts of Elders and Deacons too; and if they say, that several sorts of Elders were comprehended under the name, meaning by one sort their ruling Elders, we shall with far better reason say, that two sorts of Elders are comprehended under the name, and one sort of them are the *Majores Presbyteri* or the Bishops, who having a distinct office from the *minores*, yet keeped the name in common with others, both in the apostolick times and in some after ages, when the offices were clearly distinguished, as in *Irenæus* time, who was surely in the modern sense Bishop of *Lyons*, yet is called *Presbyter Ecclesiæ Lugdunensis*, and the same may be said of others: Again in the 15. *chap.* of the *Acts* of the Apostles, 22. 23. mention is made of the Apostles, Elders and Brethren, meeting in the Synod at *Jerusalem*; now it

would be considered under which of these, *James* the Lord's Brother, called by the Ancients Bishop of *Jerusalem* (who was not properly an Apostle, but a distinct person from the two Apostles of that name) is comprehended. Also it may be enquired, under which of these names the Deacons are comprehended? for it is not to be imagined, that either in the Synodical actings, or the Synodical epistle directed to the Churches, they are not included under any of the appellations, Apostles, Elders and Brethren, they being men full of the holy Ghost and of faith and as is supposed to have been of the seventy two Disciples. To put these Deacons under the name of the Apostles, were too high; to put them under the name of Brethren, were too much to debase them being Church-officers; therefore they must go under the name of Elders, which name is here to be taken as common to the Bishop of Jerusalem *James*, to the Deacons and to teaching Presbyters, yea to only ruling Presbyters, if there were any such there. And Mr. *Beza* is positive, 1 *Pet.* 5. 1. *That the name of* Presbyter *is common to all Church-officers higher and lower*, in so much, that even the holy Apostles themselves have taken that stile, as the Apostle *Peter* doth in that place, calling himself Fellow-presbyter with other Presbyters (he that is a Fellow-presbyter is a Presbyter) and the Apostle *John* calls himself the Elder, or πρεσβύτερος, in his second Epistle to the Elect Lady, and his third Epistle to the beloved *Gaius*, holding forth his eminent Authority, as an eminent Presbyter and Officer in the Church of God: It is ridiculous to say, that he speaketh only of his age to this purpose, *John the old man, or John the eldren man*; for that is unsuteable to the Apostolick way of writing Epistles, who in the inscription of their Epistles, give signification of their authority, and not of their age.

As for the mentioned Scriptures, first, there is not ground to assert, that the Presbyters mentioned *Acts* 20. were Prerbyters only in the modern notion, and none of them Bishops in the modern notion; for to say that they all behooved to be single Presbyters of *Ephesus* and not Bishops in the restrained sense, because many such could not be one Church, hath no weight; because not only the Elders of the Church of *Ephesus* were called, but of the Churches of *Asia* about, so far as in a transient visit they might get intelligence of the Apostles being at *Miletus*: this appears from *v.* 18. where it is said, he preached throughout all *Asia*; and, *v.* 25. speaking to these that were conveened, saith, *you all, among whom I have gone preaching the Kingdom of God*, &c. importing that others of *Asia*, who might be proper Bishops in their

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places, were there present as well as the Elders of *Ephesus*, nor can there be any satisfying ground given, why Presbyters here should be in the restrained signification rather then Bishops, or that the term Presbyter should limit the term of Bishop, rather then the term Bishop should limit the term Presbyter, which is a common name for these in the Ministery. As for *Titus* 1. 5. the Presbyters to be ordained by *Titus*, may well comprehend the *majores* and *minores Presbyteri*, as the Ancients have distinguished Bishops and the ordinary Elders; and the Apostle may be taken as reasoning analogically from the qualifications and duty of the Bishop properly so called, to shew the necessity of the like in all Presbyters, who are comprehended under their order, and whose work is much the same with theirs, and the very same in all Sacerdotal acts with theirs. As to 1 *Peter* 5. 1. it may agree well to Presbyters, both of the first and second order, not excluding the one nor the other, Bishops or ordinary Presbyters: and Presbyterians themselves are in all these and such like places, forced to acknowledge two ranks and orders of Presbyters; only we differ in this point, what are these different orders.

The next Scripture they insist on is, 1 *Cor.* 5. where it is alledged, that the Church of *Corinth* not having a Bishop, is acknowledged by the Apostle to have the Power of ecclesiastick censures even of excommunication, and is reproved for not executing of these censures, and exhorted speedily to execute the same. Hence it is concluded, seing this Apostolick Church was so constitute, that it had the power of excommunication in it self by its own Officers, Presbyters without a Bishop; that therefore, all other Churches should have that same power without a Bishop, according to the Word of God. *Ans.* 1. If there be here any power of jurisdiction or censure acknowledged, it is not acknowledged to be in the Eldership, or not in them alone as it is pleaded, for the whole Church is spoken to here in this matter, *there is fornication among you*, &c. that is not among the Eldership, but among the whole people; *ye are puft up and not lamented, that the evil might be taken away*; it concerns not the Elders only, but the people and all the Saints in the Church, of whom he saith, *that they judged them that were within*, &c. It were strange, that the people who are most expresly named, should not be concerned in what is said here, and the Elders who are not at all named should be concerned; so, that this Text would rather make for the congregational way, then for the Presbyterial, the Presbytery being no more mentioned then the Bishop, and there being no more evidence of a governing Presbytery settled at

Corinth, then of a governing Bishop, so far as may be seen from the Epistles: Neither doth it satisfie to say, that in the Epistles directed to a collective body, sometimes there are precepts not to be applyed and appropriat to all distributively, but respectively, according as several persons or sorts of persons are concerned in these Commands. This may in some things hold sometimes, but yet in the usual stile of the apostolick Epistles, there are distinctive notes and periods, whereby each sort of persons in the collective body may know the precepts wherein they are concerned: as the same Apostle makes particular apostrophies, turning his speech to persons of several ranks, as Ministers, People, Masters, Servants, married, unmarried, Wives, Husbands; and in the case of dangerous confusion, ready to arise about jurisdiction between Presbyters and People, who will think but the Apostle would have been very distinct in speaking of their jurisdictions, if he acknowledged any jurisdiction in either of them? But there is a deep silence concerning Presbyters jurisdiction here; nor is there any evidence in the Epistle of any fixed Presbytery at *Corinth* at this time, albeit there were Teachers many, yea, eminent Teachers, extraordinary Prophets, 1 *Cor.* 14. 2. The Apostle speaks of that sentence to be pronounced upon the incestuous, as proceeding from himself, and not from the Corinthians, although declaring and executing of it be committed unto them, as is plain from that he saith, *v.* 2. *Ye have not mourned, that he that hath done this deed might be taken away*, ἵνα ἐξαρθῇ, *he might be taken away*, or cut off by such as had power, importing that the power was not in themselves, but in another; for it were improperly said, that a man did take away a thing from himself: Neither doth the Apostle reprove them for not inflicting censures upon the peccant, but only that they had not sought with tears to such as had power of inflicting, that so the evil one might be taken away. Also, it is further cleared by his own claiming the power of determining the censure upon the man; for he saith, *v.* 3. *I verily as absent in body but present in spirit, have judged already*, &c. *v.* 4. *In the name of our Lord Jesus Christ, When ye are gathered together and my spirit With the power of my Lord Jesus Christ, v.* 5. *to deliver such an one unto Sathan*, &c. *Paul* determined the censure, and gave judgement, [κεκρικα, *that such an one should be delivered to Sathan*] He doth not refer the matter to their votes or arbitrement, nor takes them in as sharers with him in the determination concerning the censure, but requires their obedience in declaring or executing his sentence, or putting away the evil one from among them, and that this

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ſhould be done ſolemnly when they were gathered together; yea, he ſignifieth ſome further thing to be done by his ſpirit preſent, which could not be done by the Corinthians, the delivering the man to Sathan to be tormented outwardly, which was to be done by his extraordinary gift of miracles, *together with my ſpirit, and the power of the Lord Jeſus, to deliver*, &c. The Corinthians might upon St. *Pauls* injunction, ſeparate the man from their ſociety, which is one conſequent of excommunication, wherein ſome doing on the peoples part is requiſite; but it was *Paul* who by his ſentence doth bind him in heaven, and by his gift of miraculous power only, he could be delivered up to Sathan to be tormented in body; which by the Learned is thought to have been in theſe firſt times the attendant puniſhment that followed excommunication. 3. Suppoſe that it were ſo, that there is here a power acknowledged in Church-officers for cenſuring delinquents, yet will it make nothing for their cauſe, unleſſe they can prove, that theſe Church-officers were ſingle Presbyters according to the modern notion; for, in that highly-gifted Church of *Corinth*, we find indeed, that there were numbers of Prophets, Officers above any ordinary, who might do what the ordinary could and more. If to theſe a power of excommunication had been left, that will make nothing for the ordinary Presbyter, who whether ſettled as yet in that Church it was not certain. 4 If it were ſo, that a power of excommunication were in the ordinary Presbyters in the Church of *Corinth*, they might have had it by delegation and commiſſion of the Apoſtle; or if it were not ſo, this inſtance of the Church of *Corinth* is but one, and cannot make a rule for ever, without ſure knowledge of a divine direction the Apoſtles had, to keep an uniform courſe in ſuch external matters; a thing which never can be proven.

But yet again it is argued, from *Eph.* 4. 11. that becauſe Biſhops are not mentioned by name amongſt the Officers gifted to the Church, and ſent to her for her edification by the aſcended Saviour, that therefore no ſuch Officers are to be acknowledged in the Church. *Anſ.* 1. The objectors would think it ill reaſoned to ſay, that becauſe Presbyters nor any Officers under that name are in that catalogue, that therefore Presbyters are not acknowledged to be Officers of the Church: But, ſeing they acknowledge Presbyters to be meaned under Paſtors and Teachers, why not Biſhops alſo, who are Paſtors and Teachers as well as they? Neither hath the objection any weight that ſaith, they cannot be reckoned with Paſtors and Doctors, becauſe all ſuch are equal, whereas Biſhops pretend to be Paſtors over Paſtors. And

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the equality of all Pastors is but weakly proven from this, that there was no Apostle above an Apostle, nor a Prophet above a Prophet, nor an Evangelist above an Evangelist; therefore there ought to be no Pastor above a Pastor: For, to pass other things which might evidence perhaps disparity of degrees amongst one sort or another of these other Officers; yet, supposing that there was no such thing amongst them, the consequence will not hold, that therefore there should be no disparity of degrees among ordinary Pastors; for these extraordinary ones, as Apostles, *&c.* having from God infallible direction in the great things of their Ministery, and being also to live dispersedly for the more expedite spreading the Gospel-light over the world, and seldom having the opportunity of ordinary living in societies, a governing superiority amongst them was partly unpracticable and partly unnecessary. But the case is far different amongst Pastors living in a vicinity, and fixed upon their charges in the circuit of a certain local bounds; for they in their associations have need to have some governing superiority amongst them, which may be as a nerve or sinew of their union, and that the gravity and prudence of some may represse the levity and unadvisedness of others, in managing the Government of the House of God; and this way of one having superiority in a certain circuit above others, being so early and universally embraced in the whole Church of Christ since the beginning, it is wonderful confidence (to call it no worse) to reject that course with reproach, there being not one title in the Word of God against it.

Another Scripture is objected, *Phil.* 1. 1. where *Paul* writes to the Saints at *Philippi* with the Bishops and Deacons; whence it is argued, that there is only two sorts of Church-officers, one under the name of Bishops, and another under the name of Deacons. And it is asserted, that these so called Bishops were but ordinary Presbyters in the modern notion; because, say they, in one City there could not be moe Bishops according to the modern acception of the word Bishop. Hence also it is concluded, that seing Presbyters bear the name of Bishop, there is no such thing as a Bishop an Officer superior to a Presbyter, seing as they say, the name of a superior Officer is never given to the inferior, albeit the name of the inferior be given sometimes to the superior; and seing it was so in this Church, that there was no other Officers but Presbyters called Bishops and Deacons, that there should be no other Officers in any Church. *Ans.* 1. It is a thing considerable, that the Apostle St. *Paul* doth never in any of his Epistles to the Churches besides this, direct expresly his Epistle to the Officers

Officers as contradistinct from the Church, but includes them in the organical Church, without the expresse mentioning of them. Some reason would be searched for this variation of his way, if indeed he do vary it: This moved godly *Ambrose* to think, that the Bishops and Deacons mentioned here, were not Bishops and Deacons of that Church written to, but the Bishops and Deacons present with St. *Paul* and *Timothy* at the writing of the Epistle, in whose names, as consenters, together with his own and *Timothies*, he sends the Letter, even as elsewhere writing to the Galatians, he takes in with himself, *v.* 2. *all the brethren that are with me*, saith he: and indeed the Apostle doth not call these Bishops and Deacons, the Bishops and Deacons of the Church of *Philippi*, but absolutely Bishops and Deacons; and that copulative σὺν may refer to *Paul* and *Timothy* writers, as well as to the Saints at *Philippi*. And although the *trajection* seem to be hard, yet there are a great deal harder to be found in the Scripture. But, 2. by the Bishops and Deacons here, may be meant others then such as belonged to that particular Church of *Philippi*, whom providence had brought there from other parts of *Macedonia* [*Philippi* being the Metropolis] to consult the good of the Churches about, or who were for a time resident there, for contributing their counsels for the Churches good in that Country. We do not hear the Apostle say, that he writes only to the Bishops and Deacons of that particular Church of *Philippi* (but as he speaks generally to all the Saints that are at *Philippi*) not only to the settled Church there (if at this time there was any) So this Direction of the Epistle to the Bishops and Deacons may be taken universally to all that were there, although not of that particular Church. 3. Be it so, that the Apostle did write to the Bishops and Deacons of that particular Church only, it will not prove that all that were called Bishops by him were of equal degree, although the name Bishop in these times might be communicated to Presbyters, and may so yet in a common sense, they having indeed inspection over the Church of God with the Bishop, strictly so called. If a man should direct a Letter to the Magistrates of a City, though he call them all in general Magistrates, he denyeth not that there may be superiority of some of them over others, as one a Provost, others Bailies; the Apostle speaking *in cumulo* to the Bishops of that Church, stands not on distinction of names, seing the thing [inspection] was common to them all; neither doth he deny different degrees and orders amongst these Bishops, neither doth the Presbyterians themselves deny, that two different orders of Elders under the name of Bishop

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are there comprehended, to wit, their preaching Elder and ruling Elder; for under this name of Bishop, they must either place the ruling Elder, and thus we have two sorts of Officers under the name, or else he must be taken in under the name of Deacons, (which stile perhaps he will think too low for himself, as we think the former too high for him) and thus there are also divers ranks of Officers under that name meaned or else it must be said, the Apostle minded not to write, to the ruling Elder at all, which were strange, if he were a Church Officer indeed; the issue of this is, that if the Presbyterians can account it not absurd, that under the name of Bishop two sorts of Officers should be comprehended, Why should we think it strange, that under the same name, preaching Presbyters of superior and inferior degree should be comprehended, there being better warrand in Scripture for that first rank of preaching Presbyters, then of that order of meer ruling Presbyters adjoyned to them? 4. Whereas they think to strengthen their objection from this place, by telling us, that the name of a superior Officer is never given to the inferior; and therefore, that Presbyters here being called Bishops, the Office of a Bishop was no wayes superior to the Office of a Presbyter: This observation will not hold, for we find in Scripture, that not only the name of the inferior Church-officer is communicated to the superior, because the superior includes all inferior orders, as the rational soul doth the sensitive and vegitative; but we do also find, though perhaps not so ordinarily, the names of superior Officers given to the inferior, in respect of some common dignity, qualifications or actions competent to both, and so undoubtedly the name of Presbyter, both *via ascensus & via descensus*, is in Scripture given to higher and to lower Officers, and to all indifferently, as Mr. *Beza* confesseth, 1. *Pet.* 5. 1. 5. Suppose it were so, that at that time there were none but meer Presbyters (called Bishops) in that particular Church of *Philippi*, yet upon what ground shall the constitution thereof be the measure of all Churches, unless a divine rule for managing the government in that uniform manner could be produced, which cannot be? And yet we might further say, that that particular Church wanted not a Bishop, (who might be so called in way of eminency) though at that time of the writing of the Epistle, he was not present at *Philippi*; for, how otherwayes can we account of *Epaphroditus*, who is called their Apostle, *Phil.* 2. 25. or Messenger, as the Angels, *Rev.* 2. 3. are called the Angels of the Churches, and not for any temporal employment, of being sent with their almes (as is fancied) it being too high a stile

ſtile to give men upon ſo low an account; See 1 *Cor.* 8. 2, 3. *The Meſſengers of the Churches and the glory of Chriſt.*

Finally, there is one Scripture more, wherein becauſe Presbytery is named, they account they have great advantage for their way, 1 *Tim.* 4. 14. whereas we might more juſtly triumph in the word *Biſhop*, ſo often mentioned in Scripture, as giving great advantage to us in our Cauſe. But, let us more preſly conſider the place, *Neglect not the gift that is in thee*, ſaith St. Paul *to* Timothy, *which was given thee by laying on of the hands of the Presbytery*; Whereunto we ſay firſt, that no evidence can be brought, that by *Presbytery* here is meant a Colledge of ſingle Presbyters, according to the modern notion, and not rather the dignity and office of a Presbyter; which is not only Mr. *Calvins* opinion aſſerted over and over again by him, when his judgement was ripeſt, in his *Inſtitutions*, *lib.* 4. *cap.* 3. but alſo by *Jerom* and others of the Ancients, who clearly underſtand by Preſbytery here, the official power of a Presbyter; yea, it is moſt ordinary in the ancient Greek Councils, that πρεσβυτερειν and πρεσβυτεριον have been indifferently uſed for the office and order of a Presbyter, Council *Nicen. can.* 2. *Antioch. can.* 18. *African. can.* 136. See alſo *Euſeb. lib.* 6. *cap.* 8. *cap.* 20. 23. 43. all cited by *Bilſon*, *pag.* 77. and no man will doubt, but they well underſtood the greek Tongue and the ſignificance thereof; neither hath it any weight to tell us, that in all the New Teſtament, the word being ſeveral times uſed, yet it is never uſed for the office, but for the meeting of the Presbytery: It is true, in other places in the New Teſtament, the word is uſed for a meeting, but never for a meeting of Chriſtian Presbyters, but only of Jewiſh Elders, perſecuting Chriſt and his Apoſtles, but it is nothing to the purpoſe, though the word in this ſenſe ſhould be taken only in this place, as being one of theſe called απαξ λεγομενα. The word [Church] is never taken in the New Teſtament but once for a repreſentative Church, *Math.* 18. 17. yet do the Presbyterians cleave to that ſenſe of the word in that place, though they have no parallel whereby to illuſtrate the ſame; ſo 1 *Corinth.* 11. 10. the word [power] is uſed to ſignifie the covering and vail which is upon the Womans head, in token that ſhe is under the power of her Husband, and yet the word is not uſed in any other place of Scripture in that ſenſe: It is enough, that the ſtrain of a context and the matter in hand doth require a varying from the ordinary acception of the word in other places: Neither is their ridiculous objection to be regarded, who ſay, that the office of a Presbytery hath no hands to

impose, but only the Meeting; that exception proceeds from the mistake of the meaning of the Text, which doth not attribute these imposed hands to the Presbytery, as to an agent or efficient, but only limits and determines that imposition of hands, which *Timothy* had from the Apostle or other high Officers of the Church, to the particular use and end, for which hands were imposed on him; to wit, the giving him a power of a Presbyter or Elder; So the sense is, Thou had imposition of hands, not confirmatory, not reconciliatory, *&c.* (for imposition of hands was given for several ends) but thou received imposition of hands ordinatory, or for making thee a Presbyter or Elder in the Church, the whole context runs smoothly enough; *Neglect not the gift that is in thee, Which was given thee by the laying on of hands, Whereby thou Was ordained or made a Presbyter.* 2. Were it so, that Presbytry here were a meeting of Presbyters, how shall it be evinced that it was a classical Presbytery, and not a congregational or parish-Presbytery? It will trouble Presbyterians to prove the former, there is no evidence of such a Presbytery in the Text, or in the antecedent or consequent verses; therefore they cannot from this Text, evince the necessity of their Presbytery, to which they attribute ordination. 3. Let it be so, that they were a meeting of Presbyters in the modern notion, who gave imposition of hands to *Timothy*; yet, that they alone did it, without an Officer of higher authority joyned with them in the act, is not to be granted; seing the Apostle St. *Paul* saith, that he imposed hands upon *Timothy*, 2 *Tim.* 1. 6. where he saith, *Stir up the gift of God which in thee by* (διὰ) *the putting on of my hands*; as here, 1 *Tim.* 4. 14. he saith, *grace was given him With* (μετὰ) *the laying on of the hands of the Presbytery*; the former place importing his authority in the action, and the latter the concurrence and consent of the meeting of Presbyters with him. 4. Suppose it should be yielded, that the name *Presbytery*, were to be taken here for a meeting of Presbyters concurring in the ordination, yet seing Mr. *Beza* truly confesseth, 1 *Pet.* 5. 1. that the name *Presbyter* or *Elder* in general, comprehendeth all these who have any ecclesiastick Function, why might they not be Officers of a higher sort then single Presbyters? If he was ordained a Bishop, as some of the most learned Commentators of the ancients do think, as *Chrysostome*, *Theodoret*, *Theophilact* and *Oecumenius*, that Presbytery might be a meeting of Bishops, concurring according to their mind in that work with the Apostle *Paul*; and it is a dis-ingenuous objection that imputes to these learned and godly men, that they spake in expounding

expounding Scripture according to the practice of their own times. It is too foul an imputation, that they did wrest the Scriptures to colour the practice of their own time, contrary to the Scripture; a charge which may be most justly retorted upon the heads of their accusers, who do palpably wrest the holy Scriptures to patronise their novell practices and humane devices. Again, if the ordination of *Timothy* to be an Evangelist be spoken of here, under the name *Presbytery* may be well comprehended a meeting of Apostles or Evangelists, or apostolical men, seing the conjugate word *Presbytery* may be of as great a latitude and signification as to a meeting, as Presbyter is to a person.

Thus have we presented the sum of their strength who are contrary minded to us; and the christian Reader may perceive by the fair and just interpretations which are and may be given of these places of Scripture, without any inference of the necessity of Presbytery, or the unlawfulness of Episcopacy, how hard a matter it is to plead a conviction of spirit or settled resolution, that in these or the like places Presbyterian parity in governing the Church is established as a necessary divine Ordinance, and Episcopacy casten by as unlawful. Men had need to be very clear in their grounds in owning such Doctrines, for which they account the multitudes of murthers and massacres continued many years, the sad and woful ruines of Princes and People, and overturning the foundations of humane society in an endlesse confusion, too low a ransom to rescue that which they so much affect. As for us, having with greatest impartiality in the sight of God, pondered their allegations from Scripture for Presbytery and against Episcopacy, we find no weight in them at all, nor judges the defence of their way worthy the life of one man; whereas we judge the undoubted Truth of God of more value then the lives of many.

True it is, some may think, that, in defence of Episcopacy that it is only lawful, we have taken too low a way, which may be advantageous to the contrary minded; but considering that it was enough to our purpose, in order to the vindication of the owners of Episcopacy from perjury, to evince that Presbytery was not necessary by any divine Ordinance, nor Episcopacy unlawful, we rested on that as *quod erat demonstrandum* to our purpose, yet have given some short account how far we judge it divine. *Calvins* word we relliſh well, who speaking of geniculation in prayer to God, saith of it, *Dico sic esse humanam ut simul sit divina, Dei est quatenus est pars decori illius cujus cura & observatio nobis per Apostolum commendatur, hominum autem qua-*

tenus specialiter designat quod in genere fuerat indicatum potius quam expositum, ab hoc uno exemplo estimare licet quod in toto hoc genere sit sentiendum, &c. lib. 4. Inst. cap. 2. art. 30. And amongst these *Divino-ecclesiastica*, what hindreth us to place this so much opposed Episcopacy?

But, the importunity of these we deal with, will either urge, that it stands upon a meer divine right, (for evidencing of which, they call for Scripture-examples or precepts to shew the necessity thereof) or else they will drive us to a meer humane right as our ground, and then they will have a fair field (think they) to rethoricate upon us largely; and at last the issue will be as *Naphr.* Pref. saith, That we are for our opinions *Latitudinarians and nullifidian Adiaphorists.* But the Gentleman would be desired not to drive so furiously; for we do with a good conscience own such Ordinances as are *Divino-ecclesiastica*, as Mr. *Calvin* doth, (of which we judge Episcopacy one) Neither are we moved at all with their declamations, that Episcopacy is a meer humane invention which God will not blesse, and which should not have place in his House; and that Episcopacy is a new Office never appointed by Christ, and so to be expelled his House; that to bring in such an Officer crosseth the perfection of Scripture, and the honour of Christ in his prophetical and kingly Office, wherein he was altogether faithful, appointing Officers as he thought needful, and leaving room to no others to appoint them. There is much here said; But to the first, *anent humane inventions*, certainly the term ordinarily sounds very ill, importing some abominable thing contrariant to the holy mind of God; such as are these whorish inventions, whereby men depart from God, which are the product of mans meer corrupt and carnal reason, *Psal.* 106. 29. 39. *Upon which inventions God taketh vengeance*, as another *Ps.* saith. Or else, humane inventions in Gods service are trifling and unprofitable ceremonies, proceeding rather from mens pleasure then sound reason, and being not at all subservient to Gods honour or the edification of souls, especially if performances of these trifling things be magnified as parts of Gods service; or if the commandments concerning them be taught for doctrines necessary to the happinesse of people, as the Doctrines of God are, *Mat.* 15. 9. *In vain do they Worship me, teaching for doctrines the commandments of men.* Nevertheless, there are results of sanctified reason and warrantable prudence, which are subservient to the decent and orderly performance of the worship of God and to the ruling of his House, (with respect to the general rules of his Word) which are not to be accounted.

accounted sinful humane inventions, but a warrantable exercise of godly prudence and discretion in ordering the House of God: What Minister can preach or pray fitly, without use of his humane invention in the service of God? Must he not use his invention in seeking to find out *acceptable words* concerning the matters of God, which may be most taking with people, and be *as the Words of the Wise fastned as goads and nails by the Master of the Assemblies?* Eccl. 12. 11. And must he not use his invention so to methodise the matter of his discourse, that it may hang so fitly together, that peoples memory may be directed as by one threed to grasp the variety of the purposes he speaks of? And let this man or others, who indistinctly cry out of humane inventions in the service of God, shew us how they will sing Psalms to God without the poetical invention of him who set them in the vulgar meeter, wherein he had no infallible inspiration. And let him also shew us, if their Confession of Faith, Catechise, yea and the holy Covenant, be not humane inventions, as to their outward frame and composure. What if some should say unto them, was not Christ and his Apostles both wise enough and tender enough of the good of the Church; and could not they have set down such forms if they thought them necessary, and not left them to mans invention? What if one should say, that the Scripture is perfect enough, and Christ was faithful enough in doing things for the good of his Church; and therefore, how durst men bring in their own inventions and forms of their own making into the Church of God. Men would take heed how they declaim against the conclusions of sanctified reason and prudence, as humane inventions: As upon this account, some have casten off the ancient *Creed*, which our godly Reformers religiously required to be confessed by Parents presenting their Children to God; and the ancient *Doxology* which they also used, (so careful have they shewed themselves to maintain the reformed Religion of *Scotland* in worship according to the Covenant.) And lamentable is it to see the superstitious dementation of many, who in a time when vile Antitrinitarians and Socinians vent their doctrines, will reject the ancient established forms of solemn acknowledgement of our faith in the blessed Trinity, and of our glorifying that one true God in three persons. But as to Episcopacy, we have hinted before that it is no meer humane invention, whatever force of the Church-constitutions or Laws of Princes may have of setting it up; and did it only depend upon humane constitution, not dissonant from the divine Will, it were too much folly and arrogancy to reject it upon that account, as all sound Divines will acknowledge. But

But ſtill there is much clamour about ſetting up a new Officer in Chriſts Houſe which Chriſt hath not warranted, ſuch as they ſay the *Biſhop* is. *Anſ.* There is alwayes a great homonymie in the name *Officer* and *new Officer*, whereby Gods people are led unto miſtakes; for if by new Officer be meant a new *Order* or *ſort of Miniſtry* not appointed in Chriſts Word, it is denyed that the Biſhop is a new Officer in that ſenſe; for both they who ſtand for the divine right of it, will utterly deny that the Biſhop is a new Officer or order of Miniſtry not appointed by Chriſt; and they who reſt upon the ground of eccleſiaſtick Conſtitution, will alſo warrantably deny that a new Officer (that is, a new order or ſort of Miniſtry) is ſet up which Chriſt hath not appointed; for it is only a *new dignity, power and authority* granted for order and peace ſake to one Miniſter above others; within the bounds of that ſame Order there is a reſtraint of their power and an enlargement of his (a thing needful in all Government) yet even theſe whoſe power is reſtrained as to actual exerciſe, retain the fundamental aptitude, as annexed neceſſarily unto their order. It is the greateſt miſtake in the world to think, that every meaſure of power given to a Miniſter above others, makes a new order of Miniſtry; that only is properly a diverſe ſort of Miniſtry which hath annexed to it power to do ſuch things, as if another inferior ſort of Miniſtry do the ſame; they prove, being ſo done, utterly invalid and a meer nullity: as if a Deacon ſhould preſume to ordain a Paſtor, to miniſter the Sacrament of the Lords Supper, theſe things being altogether out of the ſphere of his calling, are, as done by him, nullities in the ſight of God, becauſe they belong to another ſort of Officer altogether diverſe from him: but ſo it is not between a Preſbyter and a Biſhop; for, whatever be a Biſhops dignity or pre-eminency for order or policies ſake in the Church, yet it is not to be ſaid, that if Presbyters do that in any caſe which regularly is the work of a Biſhop, as ordination, *&c.* that it is a nullity and void before God. But, if by new Officer in the Church be meant, the old Officer appointed by Chriſt, yet imployed by the Church in ſome Church-acts, wherein other Miniſters of that ſame ſort are not imployed, though the Biſhop be that way a new Officer (improperly ſo called) yet that is nothing againſt the mind of Chriſt, who hath left power to his Church to order and rank the Miniſters appointed to him, as beſt ſuiting with decency, unity, order and peace in the Church. Will they call the *quorum* of fifteen Miniſters, under the name of the Commiſſion of the General Aſſembly, ſet up to rule a whole year over one thouſand or twelve

twelve hundred Ministers that are in *Scotland* and the whole Church; will they call such new Church-officers, because for the time they had superiority over all, and an authority enlarged beyond other Pastors? Why then should Bishops be accounted new Officers, there being no difference but in the limitation of time, which is not material and in pretended accountableness, which no Bishop desires to be exeemed from where there is a lawful Assembly to call them to account? And as for collegiat and conjunct acting, that is also a thing which in governing the Church, Bishops do much desire in the matters of greatest weight at least. Again, it may be considered if the old Scots Superintendant, under whom this Church was for many years well governed, was a new Church-officer not appointed by Christ; or if he was a Church-officer appointed by Christ. If the former be said, there is too great an imputation laid upon this Church, as if they did so far incroach upon Christs privilidge, to set up new Officers without his appointment and order in the Church. Mr. *Knox* was in an error, who said to the Superintendant of *Lothian* at his admission, *that he was called of God to be Pastor of the Churches of* Lothian, Stirling-shire, *&c.* printed before the old Psalm Book. If the latter be said, then it was unlawful for this Church to put away that order, and the affirmer is bound to produce Christs warrand for such an Officer; and if he do, we promise within few lines after the passage that speaks of a Superintendant, he shall find warrand for a Bishop. But sure it is, they had an official power in the Church over Ministers and People, who by several acts of the Assembly, are commanded to obey them, and some of them continued in that power twenty, thirty years; So that without condemning our Church in that matter, the Offices and Employments of some Ministers in Church-affairs, from which others are excluded as to the exercise (whatever aptitude they have within the sphere of their calling) are not to be lookt upon as an unlawful setting up of a new sort of Ministers which Christ hath not appointed.

As for discourses concerning Christs faithfulnesse and the Scriptures perfection, we believe that Christ is most faithful in his prophetical and kingly Office, as he was also in his priestly Office, and in doing in the House of God all that was committed to him for the salvation of souls; for which end he hath given both particular Commands concerning the great essentials of the Government of his House, and general Commands to direct the prudence of his Church and People, in ordering things left under their Christian liberty for the best uses and ends. But for men first to fancy somewhat to be necessary in the Go-

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vernment of the Church, and then to argue for it from Christs faithfulnesse, is a very preposterous course; for we should not reason thus, This is necessary, therefore Christ particularly appointed it because he was faithful; but thus, Christ was faithful, and therefore if such a thing be necessary, he appointed it; and if he appointed it not, it is not necessary: But some men have too great a tang, in reference to their own way, of the word that is in the foolish glosse of the Canon-law, *Non videretur Dominus Iesus fuisse satis discretus, si non ordinasset Papam supra Ecclesiam*, &c.

Again, as to the perfection of Scripture, we heartily acknowledge it to be perfect, *to make the man of God wise to salvation, and throughly furnished to every good work*, either by the particular or general precepts thereof; but do not think that it belongeth to the perfection thereof, to contain particular rules for all the circumstantials in Church-government, more then it doth for all the particular practices of our common life. And the Writer of *Naph.* Pref. is too arrogant to charge the owners of Episcopacy with error, *in things so important in Religion, as in their tendency and consequence reach the very foundation*; and far more intolerable is he in that same *Pref.* while he chargeth the modest maintainers of Episcopacy upon the ground of the Churches godly and prudent constitutions, agreeable with the general rules of the Word of God, as *Latitudinarians*, or rather *nullisidian Adiaphoristes*, with an exclamation, *O my soul, come not thou into their secret.* So this Aerian and ratling Solifidian, who hath cast away the serious characters of a sound Profession, Christian love, meeknes, peace, modesty and humility, dares to brand the glorious Lights of the Church of Christ, as Nullifidians. In this rank must *Jerom* (if his sense be not mistaken) stand with many others of the Ancients; also Mr. *Calvin* and *Beza*, Bishop *Juel*, Doctor *Whittaker* and *Rynolds*, the two immortal Glories of the two great English Universities; with many moe Bishops and Doctors of the Reformed Churches, whose names are and shall be famous therein, who maintained the Christian liberty of the Church of God by her prudent constitutions to order her own Ministers in certain degrees, as nothing contrary to the Word of God: And in this quarrel we are engaged, and will stand fast to the liberty wherewith Christ hath made us free, casting off the yoak of bondage which furious men would wreath about our necks, without any solid ground or warrand from Gods Word.

Thus

Thus having said what we thought fit of the lawfulness of the Office of Episcopacy, it remains, that we consider his opprobrious revilings of the holy Office, and his general and personal challenges against the present Bishops.

1. The Libeller over and over again calls Prelacy *Antichristian, the root and strength of the Antichristian wicked Kingdom*, Napht. pag. 60. *found in all ages pernicious to truth and righteousness, the main engine and device of the Devil to advance the Kingdom of darkness*, pag. 53. and saith, *the Antichristian spirit of Prelacy was ever enemy to the Gospel of our Lord Jesus Christ*, pag. 83. And it is hard to reckon up all the wicked imputations this outragious pen layes upon that Order, wherewith it were scarce justifiable to defile paper, being the corrupt issues of the mans soul, deserted of God to utter outragious lyes: But first, the Libeller is all alongs ridiculous in denying the name of Bishops, and giving the name of Prelats to these whom he opposes, as if it were a name of disgrace, and as if Prelacy were some strange Monster. Should he not know, that every Minister is a Prelate by the significancy of the word, *i. e.* preferred before his Brethren, to rule them Ministerially? Is not every Minister ὁ προεστος and ὁ ηγουμενος, which are as high or higher stiles then a Prelate? What thinks he of *T. C.* who in his second reply, *pag.* 34. calls the *ruling Elders, Vicars of Christ and Prelates of God?* (wonderful Vicars and Prelates indeed) And should the name be grudged to be given to Ministers, who have the chief care in the house of God? Prelates they are and Bishops too, the name which the universal consent of the Church of Christ hath given them, whether by way of eminency or appropriation, and it will remain with them, whether this Noveliſt will or not. 2. We value little his clamours against Episcopacy as Antichristian, seing we find nothing in the Law of Christ against it; and it is become an ordinary trick of Sectaries, to cast the imputation of Antichristianism upon that which is most Christian, to fright men with that scarcrow from embracing the truth and way of Christ. To the Socinian, the orthodox doctrine of the blessed Trinity and personal satisfaction of Christ, is Antichristian; To the Separatist, the whole Ministery of *Scotland* and *England* and other reformed Churches, is Antichristian, because sprung out of the loins of the Pope as they say; They clamour, that the Pope is the Bishops father, and the Ministers grand-father, and that the Bishops are limbs of Antichrist, and Ministers and Presbyters his petty-toes; To the Anabaptist, the baptisme of infants is the character of the beast: To the

Independent, Presbytery is a rag of Popery, *worse then Egyptian and Babyloniſh bondage*, as *S. R.* in his Treatiſe againſt liberty of conſcience brings them in ſpeaking; and they think themſelves well perſwaded, that the Presbyterian form of authoritative Synods, and human formes of Churches, as they call diocesian, national, œcumenical, *&c.* do neceſſarily infer Biſhops, yea the Pope himſelf, the great Antichriſt; becauſe (forſooth ſaith they) every Church muſt have one Miniſter above it, and if there be a dioceſian Church, it muſt have a dioceſian Miniſter above it, and a national Church muſt have a national Miniſter over it, and finally, an œcumenical Church an œcumenical Miniſter, that is a Pope; for a Church and Miniſter over it, are ſuch correlates according to Chriſts inſtitution, that the one ſhould not be ſeperate from the other. Thus we ſee the imputation of Antichriſtianiſme caſten upon the main truths of Chriſtianity; and is it not ſo, that ſome things which our godly Reformers thought to be pious and to be uſed in the ſervice of God, are now caſten by as Antichriſtian? No man was then permitted to have his Child baptiſed, but he who would give an account of his faith in the ordinary form, which hath been many hundreds of years in the Chriſtian Church, and is uſed in the reformed Churches over ſeas at this day; but now, ſome are ſo demented as to choice rather to want baptiſme for their Children, then to give that confeſſion. Then the Doxology was religiouſly and gravely ſung in our Churches, but now, ſome would rather run away from the Bleſſing, then ſtay to magnifie the bleſſed Trinity, or will ſit as if they were ſtrucken with a dumb ſpirit, while others are crying up the praiſes of the bleſſed Trinity; ſo ſagacious are people become, as to ſmell ſomething of the Pope in theſe holy formes; or elſe ſo ſubtile is Sathan in deceiving, that he moves them to caſt away ſolemn ancient forms of confeſſion and praiſe of God, which were as the meeths and land-marks of Religion, that Socinian errors againſt the bleſſed Trinity which abound may have leſs oppoſition, when theſe ſhort memorials of that bleſſed doctrine are caſt out of the minds of people, and the publick uſe thereof put away. 3. It is a great untruth, *that Prelacy hath been in all ages moſt pernicious to truth and righteouſneſs, that it is the root of the Antichriſtian Kingdom, a device of the Devil, &c.* (as *Napht.* ſaith) for it is certain, theſe who have born that Office (he cannot mean all theſe things of the Office abſtractly, I ſuppoſe *abſtracta non agunt, actiones ſunt ſuppoſitorum*) in the firſt and beſt times of the Chriſtian Church, have been a great guard of truth and righteouſneſs, as the ſtory of theſe times doth witneſs; and

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it were tedious to give instances: If after the purer primitive times, Bishops did decline and became corrupt, that same may be said of Presbyters also, whose hand was very deep in all the corruptions and wicked doctrines which flowed in upon the World, in the just judgement of God, for contempt of the Gospel; nor are these faults of men to be imputed to either of these innocent Orders, there having been eminent witnesses of truth of both these sorts in several Generations, in the midst of horrid defection and apostacy from the truth. 4. It is false, *that Episcopacy is the very root and strength of the Antichristian Kingdom*, as it comes near to direct blasphemy, *to call it a device of the Devil, and engine to advance his Kingdom of darkness*; for neither *was the Popes Kingdom supported by the primitive Bishops*, who, as appeareth by the ancient Histories and Councils of the Church, did mainly resist the rising of the Roman Antichrist, untill the traitor and murderer of *Mauritius* the Emperor, *Phocas* did about the year of God, 600. climb up unto the Imperial Throne, and declared the Pope universal Bishop; So, that Bishops as well as Presbyters then were wofully subdued to that man of sin: Neither have the protestant Bishops been supporters of the Antichristian Kingdom, who as is known in the times of Queen *Mary* of *England*, loved not their lives unto death, but endured to be burnt quick, for their testimony against the Popes Antichristian usurpation; for it is known, that the main points they suffered for, were for the opposing of the idolatrous Mass and the Popes Supremacy. Neither (finally) is it true, that the present popish Episcopacy, is the strength and root of the Antichristian Kingdom; for it is well known, and somewhat of it was seen at the Council of *Trent*, that the present Bishops in that Church account themselves little better then oppressed by the Popes exemptions, dispensations, reservations, *&c.* in prejudice of their Authority; and could the Bishops have had their wills, they would have begun the reformation of the Church *in capite & in curia*, in the Pope the head, and in the Court of *Rome*, as former Councils at *Constance* and *Basil* had designed the Reformation: But the very root and strength of the Antichristian Kingdom stands in Presbyters, in the consistory of Cardinal Presbyters the immediate supporters of the Pope, and specially of late in Presbyters of manifold religious Orders as they call them, creatures immediatly depending upon the Pope, but mainly in the Presbyters of the Society of Jesus, as they term themselves, who have done more for strengthening and upholding the Antichristian Kingdom, then all the Bishops in the Romish Church have done.

2. The Libeller challengeth the Order of Episcopacy, *as the fountain of all the prophanity in the Land.* Prelacy, he calleth it *the visible product of devils, of mens pride and lust*; asserting, *that they and their dependents are the proper authors of all the prophaneness and wickedness of the Land, it inseparably and infallibly attending on Prelacy, by an infallible influence; and that the only eye-sore of Prelacy is conscience, and any measure of tenderness in it*; and he calleth Prelacy *the engine and device of the devil*, Naphr. pag. 53. pag. 118, 119. Now, who is there that fear God truly, but will abhor so horrid a writing so full of the gall of bitterness, smelling so rank of the evil spirit moving upon the mans heart? Certainly Presbyterians that are deemed sober, would wish another sort of dealing in this controversie, then this desperate reviler, who hath shaken off all fear of God, useth. But some notice must be taken of his words for truths sake; yet any that deals with him will find cause to seek grace from God to guard their spirits from being moved with such provocations. Truly it may make any Christian heart tremble at the condition of this man, who hath sold himself to do the work of the lyar and murderer from the beginning without remorse, in affirming most diabolical untruths against the Office of Bishops. By what Logick will he be able to prove, that Bishops are the proper Authors of prophaneneſſe, and that prophanity depends upon that Office in a certain influence, as he wickedly saith? Was ever holiness at a higher pitch, then under this Government? How many eminent Saints and glorious Martyrs have flourished under the same in ancient times? yea in late times, we need go no further then our neighbour Land to seek such, for the confutation of this wicked mans assertion. And albeit there is just cause to complain of much prophanity in this time, as there hath been also under the Presbytery; yet should Episcopacy be burthened with imputation of it, as necessarily connexed with it more then Presbytery was? Which of the principles whereupon Episcopacy stands, leads to prophanity, let him tell us if he can. Do not Church-meetings search after and punish scandals as formerly? Dare he say, that they are hindred and not helped by the presidency of the Bishop? May we not justly say, that the increased prophaneneſſe and atheism in the Land was the product of the ungodly and horrid schism carryed on for many years by this man and his party, whereabout still they are employed, casting also reproach upon the Servants of God, to the weakning of their hands in suppressing sin? And may we not further say, that sedition, rebellion, cruel murther and rapine is the more native effect of

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this mans Doctrine, (whereby we may know him both to be a wicked Person and a false Teacher) then any prophaneneſſe can be thought to be a fruit of Epiſcopacy?

But, look a little upon the general and perſonal revilings of the preſent Biſhops of *Scotland*: Firſt, he chargeth them, *pag.* 111, 112, 113. *as men that encline the Kings Government to tyranny, having no ſhare in the Common-wealth themſelves, being mean and abject perſons; and that they ſubject Laws, Liberties and Fortunes of others to the luſt of the Powers in an abſolute ſurrender and profuſion, and are more intolerable then the Romiſh Biſhops, becauſe they ſo abſolutely depend upon the King, to whom they have made an abſolute ſurrender of Religion and Conſcience, and all ſacred concernments to his arbitrement, calling themſelves atheiſtically his creatures. Anſ.* Surely this Furrie drunken with pride and malice, is ſpeaking moſt things of this matter againſt his conſcience. What medling or influence have the Biſhops upon the Kings Government? Do they not, for the moſt part, live abſtractly at their ſeveral charges, ſave it be one or two admitted by the King to his Council? who how unlikely they are to pervert the whole frame of Government and turn it unto tyranny, any that hath a dramme of wit may ſee. But this traitour all alongs grates upon the Kings Government as tyranny, when diſordered perſons may not live as in the dayes when there was no King in *Iſrael*: but the King may ſay as *Auguſtus* ſaid to the lewd woman that called him *Tyrant*; *Sieſſem, non diceres.* God grant, that clemency and indulgency to ſome may not prove more dangerous then ſome meaſure of ſeverity, which the diſcontented might perhaps call tyranny; and that lenity to diſordered perſons prove not cruelty to the orderly, *Preſtat ſub eo vivere ſub quo nihil licet, quam ſub quo omnia licent.* The frowardneſs of ſome is ſuch, that lenity and love do not win them, and to ſuch, *oderint dum metuant* is a ſentence ſuteable enough. 2. A deviliſh untruth it is, that the Biſhops do make an abſolute ſurrender of Religion, Conſcience and all ſacred concernments to the King, calling themſelves his creatures; they have not done ſo, nor will by the grace of God do ſo, knowing well, that that is only the priviledge of the God of gods, to have abſolute power in theſe things, whoſe creatures they own themſelves to be; next unto him, acknowledging their dependence upon the King as Subjects, yea, and as Biſhops at leaſt to the exerciſe of their power: Nor are they ſo atheiſtical as this man and his complices are, as to deſpiſe the Powers ordained by God, or to incite people to caſt them out of their places when they pleaſe,

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and to cut their throats in a *Phineas*-like zeal. And this Libeller ſheweth himſelf a fine Proteſtant, when he makes the B ſhops worſe then the Romiſh Biſhops, becauſe they depend ſo much upon the King, whereas they do no more depend upon him then all Biſhops and Miniſters ſhould upon a chriſtian Prince; but this arrogant ſort will be an Independent power beſide the King, co-ordinate, parallel, receiving no direction, regulation nor limitation in any of their publick actings from the civil Magiſtrate; they muſt have an unaccountable and uncontrollable *Imperium in Imperio*, elſe there is no peace with them. If Kings will be ſo tame as be that way uſed, let them be doing, and repent themſelves out of time. They have (forſooth) brought their wares to a good market, if when they have caſten off a forreign ſingle Pope, they put in their heads in the yoak of a *many headed complex Pope* of this and that meeting of their own Subjects (and theſe not of the beſt diſcretion) claiming uncontrollable authority over themſelves and all their people, and uſurping that very ſupremacy that was exerced by the Pope. Let any wiſe man judge whether of the two ſeemeth moſt intolerable, for a Prince to have the Clergy of his Kingdom depending upon a *forreign Biſhop*, from whoſe diſcretion and his aſſiſtants, fair dealing might be expected (if otherwiſe all were well concerning Religion) then to have in the boſom of his own Kingdom ſwarms of Demagogues, pretending abſolute independency from him in their Church-actings, and claiming liberty without him, yea againſt his will, to convocate his Lieges when, and where, and in what numbers they will, to rule all Church-matters by their arbitrement, and to over-rule himſelf alſo. 3. And as to his arrogant talking of the Biſhops being *mean and abject perſons, and having no ſhare in the Common-wealth, and ſo care not to ſubject Laws, Liberties and Fortunes of others to the luſt of the Powers*, pag. 112, 113. *Anſ.* Sometimes the man rageth at the great Intereſt, Wealth and Rents which (he ſaith) the Biſhops have; and now upon the contrary, contemns their intereſt and reviles their perſons. As to his contemptuous ſpeaking of them, were it fit for them to ſay, they might truly ſay, that the meaneſt of them are comparable or preferable to this Railer or any of his Complices; but conteſts of that kind being not without ſome meaſure of folly, are willingly forborn. But it were worthy to be known where this great *Don* (who accounts the Biſhops baſe and abject perſons, who have no intereſt in the Common-wealth) hath his Lands and Territories lying; perhaps in ſome of the Kingdoms of *Utopia* or in the land of *Nod*, where ſtigmatized vagabond

Cain

Cain built Cities when he was driven from the presence of the Lord: But untill we may know him better, that we may pay him his due respects, we must look on him as a basely base and abject companion, who gives such base language to the B shops against all rules of civility, and for his busie indeavouring to confound this Kingdom in the miseries of wars, stirring up any private persons that can fight most fiercely like beasts, to subject all the fortunes and liberties both of their neighbours and superiors to their lusts. As for the Bishops interest in the Common-wealth, they have what the Kings Majesty and the Laws allows them, and are ready to lay it forth for publick good; neither have they by their places, allowed by God and the King, small influence in this Christian Kingdom, for the good of the same, which cannot be better seen, then by considering the contrary noxious influence of Ministers formerly (who had no great interest in the Kingdom) to involve us all into so many long continued miseries.

Tedious it were to insist upon every railing accusation of this man against the Bishops, as *that they grossely tolerat popery*, and *that they were the authors of laying on all the burthens upon the people*, Napht. pag. 118. *&c.* For popery, what can they do but use ecclesiastical power against the professors of it? Coactive authority is in other hands, and something hath been done by Bishops in their several charges for repressing that evil, and more might have been done, had it not been for impediments and discouragements given by men of this sort, whose absurd principles and practices, schisms and seditions have strengthned the Popes Kingdom in this Land more then any thing else, and have weakned the hands of these who should have looked to these matters, while they have been kept busie with a firy party in their own bosome. And what society is there, that will not strive first to quench a fire at home, and suppress intestine factions, before they yoke in a war with forraigners? As to the other general charge, wherewith he charges the Bishops all along, as if they were *the authors and causes of laying on all the burthens upon the people, as Excise, Sess, Fines*, &c. *pag.* 113. If the man hath not utterly lost conscience, he cannot but see, that he doth belye them; but, it did concern him to render them odious to the people, that they may perish by their fury. It is known, that some of these burthens were laid on in time of Presbytery, when there was no Bishop, and some of them were in meetings of Conventions of Estates, voluntarily taken on by the subjects, for their own protection and peace in a time of great need, while most of the B shops were resident at their Charges:

and

and it is too well known, that these who were present could not (though they were oblieged to do all service to the King in a rational way, and to testifie their homage and love to him in the time of need) incline these great Representatives of the Land, to part with money where they did see no cause. And as for the Kings disposing of the humble offers of his subjects, the Bishops are not the men who will question that matter, although this man and his complices must either have him brought to a reckoning for these things, or else there is no living with them. But, to close the general charge against the Bishops, we could not read, without admiration, some of his outragious, false and cruel words against the Bishops; as, *pag.* 117, 118. *That their only grievance and eye-sore is conscience, and any measure of tenderness therein: that they are favourers and encouragers of all prophanity, drunkenness, adultery, blasphemy,* &c. Yea, *pag.* 301. he asserts, *that the Bishops have heaped together in their own persons, the dunghill of vilest vices, and transmitted the same to others over all the Land,* whereupon he would gladly *stir up the zeal of all to execute Gods judgement upon these men*; and is profanely bold to expect God to be the executioner of that wicked revenge that boyles in his perverse heart: but, Θεος ὁ μυκτηριζεται, *Thou thoughtest that I Was altogether such a one as thy self, but I will reprove thee.* And, *pag.* 134. he saith, *if God had not plagued us with stupidity, and smitten us with blindness, madness and astonishment of heart, it were impossible that rational men should submit themselves to the yoak of a few insignificant, apostat up-starts, and not acquit themselves like men, plucking them out of the Sanctuary and the great refuge of Loyalty, that in the righteous and deserved punishment of these wicked men, both the sin and backsliding of the Land might be fisted, and the wrath of the Lord averted.* Now, when these and the like words were read, we could not but be astonished, to see a pretended Professor of Religion so possessed and drunk with a spirit of impudent lying, execrable pride, fierce and bloody cruelty, profane boldness with the Majesty of God. Nor dare we be so uncharitable as to think, that the party whose Advocate he pretends to be, will own him in these things, or that they are of the same spirit that he is of; but we rather hope, that his unchristian dealing will help to open the eyes of these he pretends to plead for, to see that his way is not of God. But as to the Bishops and their fellow-labourers in the work of the Lord, and the people of God under their charge, as they are not the men who will hypocritically boast themselves, as this man and his party were wont

to

to do, calling themselves the godly and only godly in the Land; yet, let the matter be brought to the test, it shall be found, that their lives and conversations have been as blameless, as these who are judged the best of the proud party (the integrity of their hearts they desire to present to God, being humbled for what is amiss in hope of his pardon, being thankful for what measures of grace they have received, and praying for new supplies thereof) and they have their witness in Heaven, how much they regard the heavenly and amiable disposition of a tender conscience, when it may be seen even in persons who are of a contrary opinion to them in disciplinary matters; and how loath would they be to countenance the profane, whom God abhorreth? But they think, that there is great cause to tremble, and to lament the dreadfully great hypocrisie of man, and that such a person as this (who is of so tough a conscience, that lying, reviling, sedition, murther, rapine, rebellion and bloodshed with all confusion, are easily digested by him, and commended to others as Cardinal vertues and godly Christian practices) should dare to talk of a tender conscience. But as to his horrid speech, *That the Bishops have heaped together in their own persons, the dunghil of the vilest vices, &c. to transfuse it through the whole Land*: who will not be amazed at this fury? What guard hath the most innocent persons in the World for their reputation and good name, when the Press may be so pollured and profaned, by casting into it the corruptions of their souls, who have sold themselves to speak and work wickedly? Did not such men as these, and all the people of God where they lived, know them before they were Bishops? Were they not in their conversation approven as other Ministers, and is there now such a strange Metamorphosis, that they have heaped in themselves the most vilest vices, and transfused them unto the people of the Land? Should he not remember, *nemo repente fuit turpissimus*? Should he not have that much wit as to know, that they live among the people of God, who considers their wayes and sees in them that Christian behaviour that becomes their calling? And they certainly will think, that this railer is talking of men in remote Islands in the World, and not of the Bishops whom they see walking among them, or else will think him the most desperat lyer who ever put pen to paper. It were easie for us, without forged recriminations, to pay home again this Libeller with particular charges, against the great pretended sufferers for his Cause; but neither shall persons nor crimes be named, knowing that scandals are too much increased already among the people of God: But, seing no other remedy can be had on earth, this accuser of the

Brethren is challenged to appear before the dreadful Tribunal of God, to give an account of his ungodly and uncharitable speeches: And as for his stirring up the people against the Bishops to destroy them, and to burthen themselves with their blood to the bottome of Hell, *they do commit the keeping of their souls and lives to their faithful Creator, who will appoint them his salvation for walls and bul-warks, and shew them his marvelous loving kindness as in a strong City*; neither do they doubt, but God will do them good for this *Shimei*-like railing and murthering words: in the mean time, they will not cease to pray for repentance and forgiveness to this man, and that God will give them grace to forgive him, and not to retaliate.

But we come to the particular challenges against the Bishops, *pag.* 299, 300, 301. wherein the Author of *Naph.* (that his book may want nothing of the perfection of a defamatorie Libel) falleth upon several of the Bishops by name, not sparing others that are not named, but leaving upon them the blotts of ambition, pride, sensuality, hatred of godliness, oppression, persecution, and a number of other vices he nameth out of the abundance of his evil heart, casting iniquity of all sorts upon the servants of God, who (saving common humane infirmities) are as free, through the grace of God, from the prevalency of these things, as this man sheweth himself void of all honesty and fear of God.

He falleth first particularly upon the Archbishop of *St. Andrews*, whom, as in several parts of the book, he outragiously reviles, so, *pag.* 299. his carnal rage swelleth against him, and shamefully foameth out in unworthy inhumane expressions: The malice and fury of this man and his party, hath been set against this very Reverend Person, ever since he approved himself faithful in doing for this Church, against the Remonstrator party; in which transactions they who employed him, had no cause to repent, seing under God he was at that time the instrument of preserving the sober part of the Ministery, from the oppressions of a furious faction: He was most trusty to them, in all that they entrusted him with, and had their approbation given most solemnly, as is easily proven: Nor can it be alledged with any truth, that in any thing he betrayed his trust to any who entrusted him with the concerns of the Church; neither did he by his Letters or otherwayes engage himself to do any thing against a moderat Episcopacy, or for keeping up Presbyterian government, as it had been exercised: and if the beholding of a remedilesse, desperat schisme fixt in this Church, the consideration of the corruption of several of our Universities,

Universities, in point of Magistratical authority, and the evil influences thereof upon fierce Youngsters, sent abroad to several quarters of the Countrey, who had more skill in *arma virumque cano*, then in preaching the Gospel of meek and mercyful Jesus: If serious reflections on the troubles which King *James* had by the Presbytery, and the late horrible confusions arising upon the same, and that no reformed Kingdom of the World had embraced that form, but only *Scotland*, (both the Kings and people thereof having sadly smarted upon that account) if the due consideration of the purity and peace of the primitive times of the Church under Episcopacy, together with the tranquility of this Church under the same for many years, after it was established by acts of the General Assembly and Parliament, *Anno*, 1610. 1612. If the desire of a sweet peace after so much trouble, and of a fit jointing of the Church-government with the Monarchick in the State for publick tranquillity; If, I say, all these things prevailed with that Reverend Person, so as that he could not in conscience nor in tenderness to the well and peace of this Church, stand in the way of the King and Parliament, for re-establishing that ancient form of Government, which the violence of former times had outed, or declining the making good his alledgiance to his Soveraign and duty to the Church, when commanded to take a share in that Government: Why should this desperat reviler turn this to his reproach? Or, why should he be upbraided for his faithfulness to the King in the late insurrection, seing there is no loyal Subject but will approve his honesty and activity in that juncture of affairs?

Next, the Libeller falleth upon the Arch-bishop of *Glasgow* by name, whom this man of great signification, proudly calleth insignificant, and a firy zealot for the height of English Hierarchy and Ceremonies (whereas he hath never pressed beyond his Brethren in these matters) this furious zealot for a domineering Presbytery, talketh of the princely pride of that Reverend Person, because of his great gravity in maintaining the respects due to his place, yet with that humility and meekness, that becometh a Gospel-minister: It were so much the better, that others in that Calling may study to behave themselves so, as that no man might despise their authority, seing that oftentimes too much familiarity breedeth contempt: But if retortions were pleasant, How easie were it to name Presbyters, passing all the Bishops we ever knew, in princely pride and contemptuous slighting of their Brethren?

Again he nameth the Reverend Bishop of *Galloway*, whom he

chargeth with dissimulation in the beginning of these changes, and will bind upon him, as the man of all others, that hath been the chief cause of the oppression (as he calleth it) and persecution in *Galloway*, and the occasion of the late rising in armes, and blood that followed thereon. How easie is it to cast false accusations upon honest men, not instructing them? How unjust is it to say, that wise concealments of a mans minde, in a tickliſh time, is dissimulation? But as for alledged prevarication, it shall not be beleived upon his word: neither was the Bishop cause or occasion, either of the sufferings or insurrection of that people of *Galloway*; the civil Authority of the Land justly put them to suffer for their disorder: And if this man and his like, will let their own consciences speak, they will be forced to say, that not he but they, were the proper, direct and instigating causes of that insurrection.

Next, he setteth himself to revile the Bishop of *Orknay* by name, whom he calleth a Casuist, Who can tell, why? (unless it be that he suspects he had hand in a short paper some years ago emitted, called *the Case of submission to the present Government, stated*, &c. Anent which, he is not bound to give an account to such a person, was it so or not: But sure, not he onely, but other Bishops and Ministers in the Land, will own that Paper, as containing solid truths; and so much the more, when the poor and vain assaults of the *Apolog.* against it have been seen. But he chargeth the Bishop with a hard speech, used against the Archbishop of *St. Andrews* about nine years ago: And so in his fyrie and hellish zeal, breaketh out upon him, calling him false, and comparing him to Sathan. As to his revilings, they can be easily born by him whom he reviles, for his sake, of whom wicked men said, *He hath a devil and was a false deceiver of the people*; And he comforteth himself in the Apostles word, *as deceivers yet true*: And it were too much weakness to be commoved with the roavings of an impotent and impudent railer. But as to the words alledged to be spoken in a private gairden to a private person, the author should have remembred, that it is a hard case, *that one person should rise up in judgement against a man*, which is contrary to Gods Law; or, (suppose the report were true) that in meer private offences (not attrocious nor treasonable) the *Church should be told*, before private admonition given, which is contrary to the Law of Christ: But none of these Laws do such men regard, that they may satisfie their lusts, upon men whom they account adversaries. As to the matter it self, the Writter shall know, that his so called famous accuser, is an impudent

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and infamous lyar, inventing what was not spoken: And this author being so ready a Chap-man, to pedle out such wares as slanders and lyes, sheweth himself no worthy person. And as for the Bishops accepting of a Bishoprick (which is the great crime he chargeth him with) he will be able enough to defend it against this factionist and all his complices.

Next, when he can touch no other fault in the Bishop of the *Isles*, (a man who hath done much good in his station) he catcheth hold of the natural and innocent faculty of a wholsom Stomach, calling him a man gluttonous, as Christ was called: Surely the man hath fallen short in his other accusations, when he rests upon this. But who will take pains to scann such ridiculous and loathsome challenges; yet, the Libeller lets us see, that a mad man never wanted a weapon.

The next Bishop he revileth, is the Reverend Bishop of *Dunkelden*, whom he challengeth as an hater of godliness and of godly men, and an old persecutor of both; And why, forsooth? because when he was Minister of *Stirling*, timeously foreseeing the mischief and disorder of this now insolent Faction, he laboured to crush the Cockatrice in the Egg, before it became a firy flying Serpent; in which endeavours, he had the approbation of the sounder part of the Church assemblies, for obviating separation timeously. And for his so doing, which this man calleth persecution of the godly and godliness, the undermining party wrought so, that they persecuted him and turned him out of his Ministry, because he had too much honesty to enslave his judgement to the growing Faction.

As for the entertainments which he alledgeth to be given to the Bishop of *Brichen* by these that visit him, it is an unworthy and burdensom thing to us to rake into the kennel of such mens words, who by themselves or by their emissaries creep into houses. But we are confident of that Reverend Bishop, that nothing is tolerated, *scire volunt secreta domus, &c.* or allowed in his house which becomes not a Gospel-minister; nor are we to believe the slanders of his enemies.

Finally, he falleth upon the Bishop of *Dumblane* by name in much despight, challenging him as *an aspirer unto promotion, places of honour, ease and Wealth, under the vizard of Jesuitical-like pretended holiness and crucifiction to the World; and that he hath betrayed the Cause with a kiss, and smitten Religion under the fifth rib, and by his practice and expressions, giveth greatest suspicion of a popish inclination and design.* Though that grave and godly person liveth surely above all such currish snarlings, as the Moon keepeth its course albeit dogs

dogs bark at it; yet must we say, that the integrity and soundness of that person in faith, sanctification and exemplary good conversation, hath left such convincing impressions on the hearts of all that know him, that they will not be blown away with the windy words of this Libeller. Any that know him may see, that so far as men can judge, he is a man crucified to the world, and seeketh not great things therein. And it is a sad imputation upon our Profession, that none can seem to go beyond others in holiness, but Jesuitism and inclination to Popery shall be fixt upon them, no such thing being justly presumed of this Reverend person. As for his betraying the Cause with a kiss, it is doubted whether he ever kissed their calves. And for smiting Religion under the fifth rib, Religion for him is safe and sure. But God pity us, when Religion is reduced to such a narrow circle as the Presbytery, and that we cannot have Religion without *jam fumus ergo pares*, and without a hotch-potch parity in power, not only of Ministers whom God hath made unequal in gifts, but of the Mechanick-elders, who must have their parity of power with the wisest and learnedest Minister in all sacred administrations of Discipline, or else Religion is strucken under the fifth rib.

Thus have we passed through the general and particular charges against the Bishops, whereby this heart-murtherer studies to enrage the multitude against them, that they may be as guilty of their blood in deed, as he himself is already in heart. As *Tiberius caused the hangman first to ravish the Vestal Virgins*, (because it was unlawful to put them to death, being Virgins) *and then to strangle them*; So, this fierce unchristian man offers violence to the fame and reputation of the Bishops, defiling their names with his foul tongue and pen, that so he may waken the fury of his party against them to destroy them. As the Christians of old were by the Pagans, *put into the skins of bears and tygers, and so cast to the dogs to be devoured*, thus are the Bishops used by this man, whose judgement slumbereth not: but the Bishops do not take such revilings and instigations of people against men in their Office, as any new thing, remembring that holy, zealous *Athanasius* was falsely accused of murther, *&c.* by the *Arian* party, and every way most miserably aspersed above any man, for his fidelity to the Son of God. Nor is it to be forgotten, how the *Donatists* and *Circumcellions* (the genuine forebeers of a furious Faction that seeks to prevail) cryed out against *Augustine*, *Augustinum ab omnibus tanquam Lupum opprimendum esse*, because he was in the zeal of God earnest against their wicked schism. And they are very hopeful, that

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the good people of *Scotland* will never hearken to the charmes of this murtherer to fulfill his lusts, and to heap guiltinesse and the heavy wrath of God against themselves, or to be (as he would have them) religious murtherers, by vertue of the bond of the Covenant.

But, as to the mans threatnings of the judgements of God against the Bishops or any of them, and his reckoning up the disastrous ends, as he calls them, of some Bishops and their favourers, *Naph.* pag. 41. It is the Bishops comfort, that Gods judgements are not at the disposal of mans cursed fury; they acknowledge their own deserving of his severest judgement, for sins known and not known (amongst which they cannot see the embracing the Office of Episcopacy to be) but they look to the God of their mercy for pity and pardon, and for grace through Jesus Christ, that whatever they meet with in external dispensations, they may never so be moved as to condemn a righteous cause. They know well, that all the Apostles of Christ died in blood and shame in the eye of the world, except one, and they who killed them thought they did God good service: They know, that the greatest and violentest storms of persecution in the primitive times fell chiefly and first upon the Bishops, when the Pagans cryed against the Christians, *Tollite impios*; the highest cry was, *Polycarpus* (the Bishop) *requiratur*; So, *qui prior erit dignitate, prior trahebatur ad martyrium*: And if the Bishops should be drawn to death in the bloody livery of their predecessors, they should not have cause to be dismayed, but to glory in that coronation with martyrdom and nativity to a better life. Whatever may be Gods Providences toward them, or however wicked creatures may be let loose upon them (by his permission) they desire to adore his Soveraignty and Justice, and to roll themselves on his mercy, that they may have their souls for a prey, and their eternal rest secured for them, beyond the reach of all worldly storms, howsoever they seem to mans eyes to perish in their righteousnesse in a present world, *Eccles.* 7. 11.

As to his instances *of disastrous ends*, &c. If Mr. *Douglas* Archbishop of *St. Andrews*, dyed (as he saith) in the Pulpit, some perhaps may think that was a glorious end, while a faithful Preacher was drawing others to heaven, to slide in himself: And as he had been all his dayes a faithful Professor and Preacher of Christ, being a prime instrument of our first Reformation, and entrusted with the charge of the chief Seminary of Learning in this Church, the new Colledge of *St. Andrews*; So it was his honour, after he was made Bishop, to dye in that employment, *opportet Imperatorem stante mori*; and if

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it was disastrous, it was no more then the surprisal of Mr. *Black*, Minister sometimes of *St. Andrews*, a violent Presbyterian, who dyed suddenly at *Dundee*, giving thanks to God after meat. And for Archbishop *Adamsons* dying in poverty, after recantation, and disgrace; to say nothing that that recantation, according to our Historian, is a forgery, what better is it to dye both in poverty and a violent death too? (such as hath been the lot of some contrary minded) and what better was the condition of *Adamsons* great adversary Mr. *Melvil*, who dyed banished into a strange Land in small reputation with the Duke of *Bulloign*, who wearied of him, as is certainly known, and was often complained of by himself; his own Country not being able to bear him, he dyed in a strange Country which would have been rid of him. If the Regent *Morton* and Captain *Stewart* dyed a violent death, so did Regent *Murray* and *Lennox*, so have many others of old and of late that were for Presbytery suffered. Why should these things be mentioned, as being for or against the Cause? Gods judgements are a great depth, his Providences are often dark to us, but his Word is light; and however it please him to toss us in the world, we are alwayes to look to the Law and the Testimony, and hold fast our duty, without sollicitude about events, *Cura officii, cura nostra; cura eventus, cura Dei.* He may allot the forms of our death as he pleaseth, and take us out of the world what way and by what door he will; and it is our part cordially to say, *Thy Will be done.*

CHAP. V.

The lawfulness of the calling of Ministers admitted by Bishops, and the sinfulness of despising and schismatically deserting them in the ministration of the holy things of God.

After the Libeller hath uttered his fury against the Bishops, he falleth upon the Ministers, from *pag.* 301. to 305. and elsewhere; as likewise the *Apolog.* doth, from *pag.* 217. to *pag.* 284. It is the greatest pain in the world to rake up the filth which flows from this mans spirit which he casts out upon the Ministery, provoking the people to destroy them; for this man and his party are resolved to be *either false Martyrs*, or to make others *true Martyrs.* Take a taste only of the mans spirit, *Naph. pag.* 104. he calleth them *graceless, violent hirelings, enslaving their Paroches as if they were their*

their Lords and Masters, that they are not so much as externally called, Naph. pag. 105. *if* Simon Magus *could have purchased the Apostleship with money, he could as well be called an Apostle as they Ministers, and that the Act of Parliament appointing the Ministers to be heard, was undoubtedly gross perfidy against God.* And, pag. 108. he saith, *that not hearing the Curats*, as he calls them, *is an indispensible duty, and that zeal of God should animate them, as one man to drive away these Wolves and Thieves, and to eradicat these plants, which our heavenly Father never planted*: Nor mind they to expect the acting of lawful Authority in this matter; for, *Apolog. pag.* 272. it is asserted, *that all possibility in getting redresse is away, and that these against whom any would object, would be the better liked, and that things which are heinous crimes, would be accounted great vertues and commendable practices*: So that it appears, they will admit no Judges but themselves, nor Law but their own will, and they would be judges, executioners, and all to drive away Thieves and Wolves with force and fury; and if it be thus, sure we are not far from a *Munster* business.

It is not our intention, hasting now to an end, and to thrust into some quiet harbour, either to enquire into the verity of his accusations against the Ministers, which he makes all general, naming no man: Nor to defend the sudden admission of any, without sufficient trial of their gifts and conversation. If any such thing hath been, it is ordinary that in too suddain and great evacuations of the body ecclesiastick as well as natural, or suddain repletions, great errors may be committed and inconveniencies arise; but, so long as legal evidences are not given of mens guiltiness of crimes, whereof they are accused, especially when freedom is offered to all, to except and object, they must not be oppressed, nor guiltiness imputed to them, for the clamours of a schismatical party, their declared enemies, but must be held as standing *recti in curia* till they be found faulty, otherwayes there can be no protection for the innocency and good reputation of the best men in the World. If the Ministers be such as they say, How came it to pass, that the zeal of God hath not moved people to complain to the Bishops and their Synods, that evil might be taken away from the Church? To say there was no hope of redress that way, as it is untrue, so it is no sufficient discharge of their duty, who in zeal to God, ought to have delivered their own souls by telling the Church in the case of offences, otherwayes not removed, whatever the event might be. And suppose, they look upon the Bishops as usurping powers, yet as a man may seek right and justice to himself from an usurper, he may

much more seek it for vindicating Christs honour, and for purging the Church, (whether he get from them a just hearing or not) neither is it unsafe for any to make such complaints, as is well known; nor have any addressed themselves to Bishops and Synods to complain, who have been slighted, and therefore the most of all the horrid accusations against the Ministers, especially *Napht. pag.* 303, 304. where his words are too abominable to be repeated, must be looked upon as the malicious forgeries of one wickedly set, to cast contempt upon this Church and the Bishops and Ministers thereof, and to make them the sacrifices of the publick hatred.

But the great thing we have now to speak to, is the lawfulness of the calling of the Ministers admitted by Bishops, and anent the hearing of them, and attending the ministration of Christs holy things by their hand. While the *Apolog.* and *Napht.* are speaking of them, all allongs in a way of disdain, they call them Curats, and so have taught the people generally to call them, in a way of reproach, *Curats*; wherein their ignorance is to be marvelled at, not knowing who properly is called a Curat: In other Churches there are some great beneficed persons, who being resident in Universities or Colledgiate Churches for publick good, have some other Ministers under them, who ordinarily attend the Cure or Charge, having from the beneficed person (who hath also his times of attendance at that Charge) a certain proportion of the maintenance, for his ordinary attendance: Now we have no such custom in this Church, and therefore foolishly are the Ministers called Curats, they not being under any beneficed person, pretending to be the chief Minister in the place, nor depending upon their arbitrement for their maintenance. But, perhaps they will say, that Ministers are Curats, because they take the cure and charge of Souls for the Bishops; but this is also ignorantly and maliciously said, for they have care of souls, as these that are Ambassadours for Christ, and to be accountable to him: Neither do the Bishops account them their Curats, but Christs, having the care and charge of the flock laid upon them by him; and every Minister that is not thus a Curat, is a knave. *St. Paul* it appears was a great Curat, when he saith, *the care of all the Churches came upon him daily*; nor needs any faithful Minister in that sense be ashamed of this name, in relation of his care of the particular flock committed to him; albeit these high-spirited men, who it is feared are acting the part of Sathans Curats in dissipating the Church, love not so low stiles.

But to come to the question anent the Ministers, the *Apolog.* bestows

ſtows the whole *Sect.* 15. *pag.* 217. *&c.* to prove that they ſhould not be heard by the people of God while they preach the Goſpel, but all along ſpeaks with much heſitation; for, ſometimes he labours to prove that they ſhould not be *heard at all* by Chriſts ſheep, ſometimes that they ſhould not be *heard and attended ordinarily*, ſometimes they ſhould not be heard *upon the ground of the Act of Parliament* enjoining hearing; ſometimes they ſhould not be heard *as Miniſters*, at leaſt as Miniſters of a particular flock, doubting of ſome of them if they be Miniſters at all. The Author of *Naph.* ſaith, the queſtion is not anent hearing or not hearing the Curats, but anent owning and ſubmitting to them as our Miniſters, *pag.* 104. and, 105. he denyes *them to be ſo much as externally ſent and called*, pag. 109. and ſaith that *their Miniſtry is not the Lords Ordinance.* We do not minde to inſiſt upon the contradictions of theſe Writers one to another, or unto themſelves, nor upon the falſehood of ſeveral of their aſſertions, but in behalf of the Miniſters, ſhall briefly reaſon thus, Theſe who are the lawfully called Miniſters of Chriſt and Teachers of his Truth, are to be heard in preaching of the Goſpel by the particular Congregations to which they are ſent, according to a lawful order of the Church; neither can they be deſpiſed or ſeparated from, without great ſin: But ſo it is, that the preſent Miniſters admitted by Biſhops are the lawfully called Miniſters of Chriſt, Therefore, *&c.* The firſt propoſition ſhines with ſo much light, that hardly any will deny it: all the matter is in the ſecond propoſition, anent which it may be enquired, what is a lawful calling to the Miniſtry? (we ſpeak of an external Call) what is neceſſary to the ſubſtance of it, and what defects or corruptions may nullifie the ſame? The high-flown Author of *Naph.* gives us a rare deſcription of an external Call to the Miniſtry; which golden Sentence, leſt we ſhould miſſe the reading of it, he hath ſet down in great Letters, *pag.* 105. *To be externally called*, ſaith he, *according to the meaning of the truth and import of the words, is to have ſuch a viſible evidence of the call of Jeſus Chriſt, as in reaſon and charity doth obliege all men to receive the perſon ſo called, as truly ſent*; which is one of the wildeſt definitions of an external Call that ever was.

Firſt, it may be enquired at him, what is meaned by *the viſible evidence of the call of Chriſt*? It is hoped he means not that ordinary Miniſters ſhould have ſuch viſible evidence of Chriſts call, as the Apoſtles had, when in the day of the pentecoſt the Spirit came upon them in the ſhape of firy cloven tongues, which were viſible: Why did he not expreſſe the particular matter of ſuch a viſible evidence, or a thing evi-

dencing the Call, but chooſed rather to lurk in a generality? Who can divine what this lurking viſible evidence is upon the matter? Is it the viſible holineſs which Independents require toward Church-membership? But that cannot be enough to evidence a miniſterial Call, ſeing many may be viſible Saints, who are not viſibly ſufficient for the Miniſtry. Or, is it any viſible character external in the miniſtration of Ordinances, which one externally called by Chriſt, hath in the eyes of the people of God, which another hath not? Upon how much uncertainty is the defining of this external Call caſten? For, perſons not equally allowed by Chriſt to be in the Miniſtry, may be equal in the manner of their utterance, ſeeming affectionatneſs, ſpiritualneſs of matter, earneſt manner of application; yea, as to external manageing of Ordinances, one not allowed by Chriſt to be in the Miniſtery, may ſeem to exceed another which is allowed; ſuch is the manifold wiſdom of God in diſtributing his gifts as he will. 2. What a ſtrange thing is it, that he ſaith the externally called Miniſter hath ſuch evidence as doth obliege all, &c. he ſaith not only may, or muſt, or ought to obliege all, but actually *doth* obliege in reaſon and charity to receive the perſon ſo called as truly ſent. To which we ſay, firſt, can any thing actually obliege all to receive a Miniſter as called, unleſſe it firſt be made the object of their reaſon and judgement, and be known to them? And ſhall a Miniſter never think himſelf externally called, untill he know that all men ſee the viſible evidences of his Call, and be ſatisfied in reaſon and charity. 2. If by all men, he mean all the men of the world, where ſhall there be an externally called Miniſter had? How long ſhall it be before all men ſhall be actually oblieged in reaſon and charity, anent the viſible evidence of the mans Call? If their reaſon and charity be not actually ſatisfied, how can they be actually oblieged to own the man as a called Miniſter? And this can never be, except viſible evidences be preſented to their reaſon. Again, if by *all* he mean all in the particular congregation whereunto the man is called, ſhall he not be judged an externally called Miniſter untill all and every one be oblieged in reaſon and charity to receive him as ſent of Chriſt? Women as well as Men, Servants as well as Maſters, muſt be ſatisfied before he be owned as a Miniſter; yea, each one of them hath a negative voice, which will inferre a ſuperlative independency. But, leaving the airy notions of this high-flown man, who having no ſolid truth anent theſe things in his own mind, ſtrives to involve others in darkneſſe under a heap of vain words; we chooſe to hold cloſs to the doctrine of the reformed Churches, anent a lawful external Call of a Miniſter,

Minister, which teacheth us, *That it stands in the setting apart of a person, and solemn dedication of him to God and his service in the Gospel, and in a potestative mission or sending of the man to labour in Gods Vineyard, or some part thereof, With ministerial power: and this to be done by persons who themselves were formerly entrusted in that matter, and that upon exact tryal of the ministerial gifts of the man to be ordained, and of his conversation suitable to the work, and upon satisfaction had after competent tryal.* The man who hath the Gospel-dispensation thus committed to him, according to the rules of Christ, we judge to have the substance of a lawfull external Call.

And so we come to prosecute the defence of the second proposition, *That the ministers now ordained by the Bishops, are the lawfully called ministers of Christ.* And hence it will follow, that despising, deserting them, and refusing to hear them, cannot be without great sin. Now, in speaking of a lawful Calling by Christ, we must distinguish the substance of the Calling from the circumstances, or way, or order of coming to it; for, there are some faults that do nullifie the substance of the Calling, and make all the mans actings therein to be invalid, as if he be ordained by persons that have not power, *&c.* There are some things again, which though they be the sins of the man that enters unto the Calling and makes it unlawful, as to these circumstances; yet do not destroy the Calling, nor make the acts done by the Minister void, either before God or man; as if a man enter by symony, whether giving money, or things esteemable by money, *&c.* Corruptions in the manner of a Ministers entry oblige him to repentance, yet if in other things he hath the substance of the Calling, and be faithful in delivering the Lords mind, he ought not to be deserted by the people to whom he is sent; nor is he to be judged as a thief or robber that enters not by the door, although he defile himself in a mire before the door, which he must study to cleanse. The door is Christs order, which he hath appointed for admission of his Ministers, whoever comes in thereat and behaves himself faithfully in the Ministry, enters not as a wolf and a thief, though he hath some personal sins adhereing to him as to the manner of his entry, which he ought to be humbled for.

But, let us see what are the grounds whereby the lawfulness of the calling of the present Ministry is impugn'd, as *Naph. pag.* 109. saith, *It is plainly denyed that their Ministry is the Lords Ordinance*; the grounds layed down are, first, *perjury*, *then intrusion into the places of other men*, these two are joined together by *Naph. pag.* 105.

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and from these he raises the conclusion, that they are not to be admitted to be so much as externally called. Thirdly, *the Want of the election from people, and taking presentations from Patrons.* Fourthly, *their dependance upon Bishops for ordination*, &c. and this is pleaded from the Covenant, *because we are bound to endeavour the extirpation of Prelats and their dependants, and so cannot own them as Ministers*, Napht. pag. 104. and, *pag.* 108. he saith, *the true zeal of God should animate us, as one man to drive away these Wolves and Thieves, and to root out these plants our heavenly Father never planted.* To all which we say, First, as to perjury, which he imputes to the Ministers, it is utterly denied; many of them did never take the Covenants, and so cannot be accused of perjury in breaking of them, nor can the oath of any others be such a bond upon their souls, as to fix upon them the guilt of perjury, if they do not what others did swear: and for these who had taken the Covenant, what hath formerly been said (to which the Reader is referred) may clear them from perjury. 2. As to intrusion into other mens Churches, it would be observed, first, that no Minister hath such right and property in the people whom he serves, or the Church at which he serves, as he hath in his Wife, Children, Family and Goods. A sheep-heard that keeps a flock, cannot plead a property in the flock, it is his masters flock not his: So a Minister must think, that the flock he feeds is not his flock, but Gods and Christs, according to the Scripture phrase, *Ye are made overseers over the flock, which God hath purchased with his own blood*: Again, *Feed the flock of God that is among you*: It is modesty in Ministers to abstain from such talking, *my flock, my people, my Church*; the flock and people is Christs only, the Church or meeting-house is dedicated to God for their use, the maintenance follows the person that hath the office, *beneficium sequitur officium*, and the present Minister is only an Usufructuarie *ad vitam* or *ad culpam*, he hath no further right to any thing in the congregation, when he is found culpable of deprivation or setting him aside from such or such a charge, and the maintenance annexed to it. 2. If a Minister be either deposed by the Church, and deprived of interest and benefit in a congregation, or if he be banished that congregation or the countrey by the Magistrate (which is a kind of civil death) as there lyes no obligation upon such a Minister, never to embrace another charge, So there lyes no obligation upon a people, never to embrace another Minister to feed their souls unto life everlasting; for by these acts of the Church and Magistrates (be they just or unjust we enquire not) the actual relation between the Minister

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and the People is looſed; and as he is free to take another Church, ſo they are free to take another Miniſter. It is folly to think, that miniſterial relation is like to *marriage relation* (as they fondly imagine) Chriſt is the only bridegroom and husband of the Church, from whom, through his merits, neither miſdeſerving nor death ſhall ſeparate her; Miniſters are neither bridegrooms nor husbands of the Church, but the bridegrooms men, whoſe joy is fulfilled in the hearing of his voice, or if they be not ſuch as they ſhould be, they may be thruſt out of the bridegrooms Chamber, and others fitter ſet in their room. 3. When a Church is voided of a Miniſtery by a publick Authority, it concerns not any that ſhall be nominat to enter afterward, to enquire upon what grounds, and how warrantably his predeceſſor was outed; it is enough for him, that having gifts given him by Chriſt, and an honeſt inclination to ſerve him in the Miniſtery, and the approbation of the publick Officers and Mminiſtery of the Church, he finds a place void, to which he is nominated by theſe who have power according to the Law. It were a continual torment and diſquietneſs of ſpirit (which God alloweth not) both to a Miniſter and to people, if the perſwaſion of lawfulneſs of his calling to a Church, or the lawfulneſs of a peoples ſubmitting to him, ſhould depend upon either the Churches or Magiſtrates dealing with the former Miniſter, the impartiality or right order of whoſe proceedings, it is very hard for private men to ſearch: If an inferior Magiſtrate be outed of his charge by the Supream, and another put in his place, What horrid confuſion ſhould ariſe, if people would ſay, becauſe we are not ſatisfied in the cauſes of the removal of the former Magiſtrate, we will not obey the preſent Mrgiſtrate? It is even ſo in this matter concerning Miniſters. 4. Be the cauſes juſt or unjuſt of the removing of a Miniſter from a congregation, yet Gods people are not bound to keep themſelves under a deprivation of his ordinances by a ſettled Miniſtery, which may teach them truly the way of God: The people who have received good and comfort to their ſouls by a Miniſter, are not to be blamed but commended, for loving him and longing after him, and for labouring ſo far as they can, to have him returned to them; but, when there is no hopes that way, people are not bound to ſtarve their own ſouls, nor ſuffer atheiſme to increaſe among them for want of the ordinances of God, and when they cannot get their meat in the diſh that they would have, they ſhould take it in the diſh they may have, and from the hand of any lawfully called orthodox Miniſter. It is a fond reſpect to one man, that makes people cruel to the ſouls of thouſands, who ought to be fed with the

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ſincere milk of Gods Word, whatever be the condition of that one man. By theſe things and the like, the clamours of *Naph.* and the *Apolog.* againſt the preſent Miniſters, as violent extruders of their predeceſſors, and intruders upon their charge, appear to be falſe and vain. And howſoever theſe men had rather that all the Congregations, which by their diſobedience to Law are laid waſt in the Countrey, ſhould continue ſo even untill atheiſm ſhould overgrow all, then that they ſhould not have a re-entry, (wherein they ſhew much of carnal ſelf, and little love to poor ſouls periſhing through ignorance, and as little regard to Gods glory) yet godly and ſober men, not finding themſelves, according to Law, free for preaching, will be well content that Gods people have any good meaſure of ſupply of his preached Word by other hands: But the Author of *Naph.* and the *Apolog.* are of a worſe ſpirit; yea, *Napht.* is ſo wildely tranſported, as *pag.* 105. 106. he utterly denies, that the Miniſters have any external calling upon the account of the perjury and intruſion (which he alledgeth and ſaith, *Whoever acknowledges them as Miniſters, muſt think themſelves bound to receive* Simon Magus *as an Apoſtle, had he in his horrid wickedneſs purchaſed the Apoſtleſhip with money*) Where to ſay nothing of the impoſſible ſuppoſition he makes, ſee *Acts* 8. 20. We ſay, ſuppoſing that to be poſſible, that the Apoſtleſhip could be purchaſed by money; yet, if *Simon* could ſhew the ſigns of an Apoſtle, and make out his Apoſtleſhip as well as *Paul* did his, the World had been bound to accept of him as an Apoſtle: But waving theſe impoſſible fancies, we ſay if it were true, that the Miniſters have entred by perjury and violence (as it is not) yet, if they have the ſubſtance of an lawful calling and preach faithfully, people are bound to attend their Miniſtery, albeit the Miniſters be bound to repent of the errors of their entry. 3. The accepting of preſentations from Patrons, and want of the peoples election, is objected againſt the lawfulneſs of the Miniſters external calling: The *Apolog. ſect.* 15. and *Naph. pag.* 65. declaim bitterly againſt Patronages and Preſentations, and thinks that the *aboliſhing of them, was a ſpecial point of our covenanted reformation to be ſtood for, againſt all hazards*: It is granted that there may be abuſes of Patronages and Preſentations, which ſhould be obviated by the Church of God; but as the uſe of them is very ancient in the Church (even much above a thouſand years) and hath been ſerviceable to the advancing of the Goſpel, ſo may they yet be; the original of the ſame was when Nations were converted, and brought into the Church, for the building of Fabricks for Gods people to meeet in, and

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settling the maintenance for the Ministry in Stipends and Gleibs; the Lords or Masters of the ground did bestow these things for the service of God, and by the Churches allowance, these who contribute so amongst their Vassals and Tennents who contribute nothing, had the priviledge to nominate the Minister when the Church had been vacant, but with a submission to the judgement of the Guides of the Church concerning his ability, and leaving it free also to the people to give their rational dissent; the abolishing of this way is but vainly cryed up as a piece of Reformation, that all might be devolved upon the people: Yet it is certain, one or two of the leading men in the parish do work upon them in these matters as they will; and it is to be feared, that the abolishing of Patronages (whatever cause there be for regulating them) may prove a hindrance unto the Gospel, discouraging Noblemen and Gentlemen from building Churches, and doting them when there is need, because they see that their Tennents and Cottars must oversway them and their great Families in the nomination of the Minister. Neither should the Church of God do any thing amiss, if for the encouragement of able persons to build and to establish Churches and Benefices in our wild High-lands where there is most need, she should give power of Presentation and Patronage unto them, there being no Law of God against this, and it being most subservient to the Gospel. But now we are come to this, that every groundless novation must be taken as an advancement *of the covenanted Reformation*, and who knows where we shall sist? Our godly Reformers and the posterity after them, for the space of one hundred years, were not so eagle-eyed as to see the necessity of this great point of Reformation; which (whatever this man saith) is so far from being sworn in the Covenant, that the continuance of Patrons (being at the swearing of the Covenant, part of the order of the Church of *Scotland*) is rather engaged to be maintained: And if it be so necessary a part of Reformation, they would tell us why the Assembly of Divines at *London* and the Parliament there did not abolish Patronages.

But the great business is, anent the peoples power of election, without which they do think a man cannot be a Minister (at least of such a Congregation) seing that this election appropriats the Minister to such a Charge. We are much wearied with the imperious impositions of such men, who teach *mens commandments* for the *doctrines of God*, not being able to shew us in all the Scripture any command for, or example of peoples choosing their own Pastors. It is true, they tell us of the peoples having hand in the election of *Matthias* to

the Apostleship, *Acts* 1. where they alledge that people were permitted to proceed in that election so far as it was possible for them to do in the election of an Apostle; for they appointed two, whereof one was to be divinely chosen, and this was done to give example, to be imitated by the Church afterward in ecclesiastick elections. *Ans.* The Church or People here, as they had no hand at all in the election, which was Gods work, *Lord, shew which of these thou hast chosen*, v. 24. So they did not so much as present the two, *v.* 23. they appointed two, ἔστησαν δύο, referreth not to the whole Church of the hundred and twenty, but to the Apostles, as *S. R. Due right of Presbytery*, pag. 190. sheweth upon considerable grounds, *they appointed, they set, they presented*: The peoples election could not be admitted in the choice of an Apostle, who is an Officer no wayes *called by men, but of God immediately*, who in this election governed the lots and designed the person; and the last word, *v.* 26. *Who was numbered with the eleven Apostles*, doth not import that he was made an Apostle by their suffrages, or chosen by the same, but only that *he was acknowledged such a one*, as *Diodate* upon the place hath well observed. So that it is but a fansie to seek ground for peoples election of their ordinary Ministers, from the election of this extraordinary Minister, who was neither chosen nor ordained by man, but called of God.

They urge again with as little reason, that seing the people had election of the Deacons, *Acts* 6. 3. 5. that therefore much more should they have election of their own Pastors and Ministers, seing the feeders of their souls should be more beloved and acceptable to them, then the feeders of their bodies, and their consent should be no lesse, if not more waited for, in setting over them the one sort of Officer then the other. *Ans.* 1. There is no solid ground of arguing from the manner and circumstances of the entry of one Officer to another, nor any necessity that they should have all circumstances alike in their entry upon the Office; and there is a great disparity betwixt these two Offices, which may invalidate the consequence from the one to the other, as to the manner of their entry thereunto. In a grudging and murmuring time, the honest Apostles, for avoiding scandal and suspicion of male-versation, refusing to meddle anent distribution of alms, and to deal in money-matters of that kind, did wholly put over the matter upon the people, to choose whom they would to deal in these things, referring the judgement of their qualification unto them without further trying, that so all might be satisfied, and murmuring stayed: but we never hear that the Apostles permitted the liberty of the choice of a Pastor un-

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to people, nor was there the like reason for election of a Pastor by people, the greatest part whereof usually being the weakest or the worst, it is a ready way to bring in a weak and corrupt Ministery, and the better part of the congregation shall remain unsatisfied. And albeit it is true, we are bound to love our Pastors for their works sake, more then the administrators of the poors goods; yet, that inferrs not the necessity of a liberty to elect them: I am bound to love the Prince, more then the inferior Magistrates that are elective; yet, why should that inferre election of the Prince, who hath his power hereditary and by succession? Again, 2. Why should they mention this pattern of the Deacons election, to force the like in the Ministers election, seing they themselves will not follow the pattern which they propose? For, here the Apostles had no vote in the election, nor presided at it, neither do they try the qualifications of the men chosen, when they are presented unto them, but upon their presentment instantly appoints them, neither of which, will Presbyterians admit in the peoples election of Ministers.

But leaving this loose reasoning from the one Office to the other, we come to the main ground of the peoples alledged interest in election of their Pastors, which is pleaded, *Acts* 14. 23. There is much weight laid there upon the word, χειροτονησαντες, when it is said, *Paul* and *Barnabas* ordained Elders in every City, which they expond, *that they ordained them, the people lifting up their hands and testifying their suffrage, choice and consent*, and that the Apostles ordained none but such as the people did choice, testifying their suffrages that way: But more sound and sober Presbyterians, finding their disadvantage against the Independent and Seperatist, by cleaving to the common sense given by them of this Text, have forsaken this hold for popular elections, and do not press hereupon the peoples voting in elections. But however, the word χειροτονεω cometh from the manner of suffrages used in some grecian Republicks, either in chooSing persons or making Laws; yet, they think that sometimes (and in this place) it signifies simply *the Act of constituting and putting a person in office*, not expresly importing the manner or the way of doing it by suffrages or lifting up of hands, as the old interpreter hath it simply, *Cumque constituissent Presbyteros*, see Mr. *W.* against *L. pag.* 248. and it is good so to profit by opposition of adversaries, as to be made plyable to accept of the truth, which hath been a little deserted, *ictus piscator sapit*. Certain it is, that the substantive constructed with the participle χειροτονησαντες, is *Paul* and

Barnabas, of whom it is absurd to say, that they made Elders by their suffraging or voting, and it is as absurd to force such an exposition upon the Text, *When* Paul *and* Barnabas *had caused the Disciples to make to themselves Elders by suffrage*, which is a sort of figurative sense, which (I doubt much) shall be found any where in the World. And no less absurd is it which some say, (but in a direct betraying of the Presbyterian cause) who will have χειροτονησαντες to be joyned to the *Disciples* as the substantive, to this sense *the Disciples made to themselves Elders*, which clearly yields the cause to the Separatist and Independent. The truth as to this matter, is, that the Apostles constitution of Ministers is here spoken of, but not at all the suffrages of the people in order to that constitution; it is but a superstitious adhereing to grammatications, when men will press etymologies and not regard the common use of words, *non attendendum*, saith Thomas, *a quo impositum est nomen, sed ad quid*. Originals of etymologies are not to be so much lookt to, as the ordinary and currant use of the word, in application to such a thing. We find χειροτονειν used otherwayes in Scripture, then for choosing by suffrages, *Acts* 10.41. and so προεχειρισατο *Acts* 26. 16. 2. If we look to the words, χειροτονειν signifies not only to lift up the hands (which was the ceremony used to signifie suffrages) but it signifies the stretching out of the hands, which is done in order of laying them on, so that χειροτονια and χειροθεσια, come to be used promiscuously in the ecclesiastick writers, to signifie the ordination or constitution of a Minister, imported in any of these external actions; see *Bilson chap.* 7. *pag.* 71. And it is supposed, that the pure greek Writers cited by him, understood that language well enough. 3. Amongst these petty grecian Estates, where that χειροτονια was used, and from them (as is fondly alledged) translated by the Apostles to the Church (name or thing) we do not find (in the writers of these times) that the word is used for *gathering of voices, which is the work of the President of the meeting*, or for ordaining Officers *by the election of others*, (as they say the word is taken here) but the word alwayes imports only the signification of election by persons that had power to elect, and that election of Officers in these popular states was an act of soveraign Authority, actually conferring the power of Magistracy upon these that were so chosen (any instaling that followed thereupon, being a meer ceremonial solemnity) and, if men will urge the customs of the Pagan States held out under this word, to be brought into the Church, the whole authority of the Ministery must depend upon the peoples election, as the authority of Magistrates in these Pagan States, did depend upon the same; and so the Independents gain

fairly

fairly by pressing this word. 4. Presbyterians themselves, do not give the election of the Ministers to people but to the eldership, and to the election made by them, people are to give a subsequent consent; or if the plurality dissent, they are not bound to give a reason for it; this way is far different from that Election by suffrages used in these popular Estates. Finally, were there such a necessity of peoples election of a Ministry by any commandment of God, it were strange, that in the Epistles to *Timothy* and *Titus*, where fullest direction is given by the Spirit of God for the Government of the Church, the peoples part of chooſing should not once be mentioned, as a thing to be waited for, but all the weight of the constitution and appointment of Ministers, is cast over upon other Officers, who had been ordained before them.

All this is spoken, not that we disallow asking or seeking the consent of people, which we think, may be of very great and good use for encouragement of the Minister in his duty, and for making them more readily and chearfully to attend his Ministery and obey the word preached by him; and all Bishops, ministerial Meetings and Patrons too, ought to labour that the Minister presented and offered to a people may be received with their good liking; and that it should not only be left to them to make exception against the Ministers life and doctrine if they can: But that these popular elections should be esteemed *juris divini* (as they call them) cannot be endured, unless a clear divine Law were produced for them (which can never be) yea eminent Presbyterians do confess, that a man may be a Pastor to a people without their election, *S. R. Due right of Presbytery, pag.* 129. saith, *a man may have a Ministerial charge lawfully over such as are not willing to submit to his Ministery*; for, saith he, *What if the most part upon sole groundless prejudices refuse him, is he not their Pastor, because they consent not? Can we think, that Christ purchased a liberty by his blood to refuse a called Pastor?* And so often he asserts, *that the whole essence of the Pastoral call, stands in ordination by Pastors, and such as are in room of officers of the Church*, pag. 105. *Election makes not a man a Pastor* in foro Dei, *nor doth the want of it unminister him*; yea, saith he, *a Minister may be a Minister to a congregation that never elected him, as if a man convert Infidels and Pagans who do not elect him, but he gathers them into a Church*: Yea, the first book of discipline, allows the *compelling of froward people to embrace a Minister, whom the Church sends to them, chap.* 1. And in the year, 1649. the order of the General Assembly for election of Ministers bears, that if the congrega-

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tion be disaffected (others of their Writers add, *if they be ignorant, erronious or schismatical*) the Presbytery may send them a Minister without their consent, and appropriat him to that place; which gives ground enough to think, that in their mind popular election is not *Juris divini*; otherwayes they would not take it from a Church untill they had unchurched it, and excommunicated the plurality of the Members of it.

As to the fourth thing objected against the lawfulness of the Ministers Office, their dependance upon Bishops, for which it is said, *that according to the Covenant, they are to be abhorred and extirpated like Wolves and thieves, and that it is an indispensible duty lying upon us never to hear them, let be to own them as Ministers*, Naph. pag. 104, 105, 107, 108, 109. But, first, it is a most wicked sense put upon the Covenant, that it engageth *to extirpate and destroy all Ministers depending upon Bishops*; for certain it is, Ministers that then were at the making of the Covenant, howbeit they renounced dependance upon the *Bishops Government*, yet could not renounce their *dependance upon them*, as to their being *Ministers*, as long as they lived, unless they renounced their Ordination by them and took a new Ordination, which very few did or thought themselves oblieged by Covenant to do: The Covenant was a wicked snare, if it be expounded after this mans mind, engaging all the Ministry of *Scotland* and *England* to renounce their Ordination by Bishops, and to take new Ordination, as if they had been before false Ministers (according to the Brownists mind) and so their Churches no Churches, their Sacraments no Sacraments, their people no Christians. But if this man will maintain the unlawfulness of the Ministry ordained by Bishops, and depending on them that way, we shall yoak him with Presbyterians who will beat him soundly; See *London* Ministers *Jus divinum Ministerii*, toward the end. Thus having confirmed our second proposition in behalf of the Ministers, *viz.* that they are lawfully called Ministers of Christ, we may add, orthodox Ministers teaching the way of God truly, the conclusion necessarily follows, That they are to be heard, their Ministry is to be attended and not to be separated from, because Christ saith, *He that heareth you, heareth me; and he that despiseth you, despiseth not man, but God.* And as *Naphs.* arguments against hearing them or owning them as Ministers, from *pag.* 104. to 110. are but passionat, frothy words of vanity, as any may see; So the *Apolog. Sect.* 15. *pag.* 270. *&c.* in producing his fourteen considerations against hearing the Curats, as he calls them, is but a vain disputant; for, all his arguments

guments run either upon begging of the question, and the thing that will not be granted to him, as these which he grounds upon the supposed perjury and defection, *&c.* which is denyed, as in his first three arguments, or on false doctrinal principles, as his 4. and 5. arguments, where he saith, they are not to be heard for fear of scandal, and we say, *officium non est demittendum propter scandalum*, duty is not to be left for fear of scandal, or else upon false alledgiance in matter of fact, as when he alledges them to be false teachers, as argument 6, 7, 8. or else upon great inconsequences, as 9. 10. as if they that heard them were accessory to their intrusion, (as he calls it, without reason or encroachment upon the Scripture liberties of the Church) or upon groundless surmises of their insufficiency, or because there is corruption in the way of their entry, 11, 12. As if every one were judge of their insufficiency, and might upon their own judgement of the same separate from them, or as if corruptions in the way of Ministers entry, should indispensibly obliege people never to hear them, albeit the substance of their calling were lawfull, or else finally in self-contradictory positions, while he dare not deny them to be Ministers of the Catholick church; yet, he applies to them all the characters of these who were no Ministers, but false Prophets, which he could find in Scripture, and in laying that false ground, that it is lawful for people to desert their own Ministers, under pretence of *coveting the best gifts, and trying all things, holding fast that which is good.* But to leave these vain wrestlers against the truth, we do assert, 1. that it is not the peoples election, that makes a Minister of such a Paroch, to be owned by them, but after ordination, the potestative mission and institution given him by these who have power, that he may exercise spiritual jurisdiction in reference to such a people: hereof we have sufficiently heard the judgement of the Church of *Scotland*, in the case of froward and disaffected congregations at least, together with the judgement of *S. R.* 2. We assert, that the grounds which we have laid to shew the ministery of the Ministers to be a lawful ministery of Christ, and themselves to be true Preachers of his mind, are of infinitely stronger consequence to prove that they should be heard and received, then all the weak considerations of these two Martyrs are to prove that they should not be heard, as any unprejudicated will confesse. 3. Whereas both these witnesses make a huge business about hearing the Pharisees, *Matth.* 23. 1. and are pitifully distressed with that argument which was used of old by the good Non-conformists of *England* against the Separatists, in behalf of the Ministry of *England*; we do

not

not trouble our selves much with his groundless notions about that matter, but only say briefly, that if Christ allowed his disciples or people to hear the Pharisees while they really taught *Moses* Law, albeit some of them were of other tribes then of the teaching tribe which God had chosen to teach his people, *and that their lips should keep knowledge.* Yet, being in possession of the chair of *Moses*, through the sluggishness of Priests and Levites, for above one hundred and fourty years before Christ, and being also most part of them teachers of humane traditions for the Commandments of God: If (I say) Christ allowed such to be heard while they keeped their rooms, and before he should bring in reformation of all the Old Testament way; certainly he alloweth present, lawful, orthodox Ministers to be heard, to whose charge no such thing can be laid as to the Pharisees: and to say that he would not have the Pharisees the ordinary Teachers to be attended and heard, is absurd; for, while he saith, *what they command you to do, that observe and do*; he clearly imports that it was an ordinary duty to hear them *command*, and Christ enjoining the end, that is, observing and doing, must be supposed to enjoin the means, that is, hearing. 4. Whereas the *Apolog.* takes much pains to parallel the Ministers with the Pharisees, he will be pleased to apply (as they should be) these few particulars concerning the Pharisees; 1. They were Separatists, as their name imports, counting all the *populus terræ* as a profane rabble, monopolizing all holiness to their own sect, see *Luk.* 18. the Pharisee, σταθεις προς ἑαυτον, he stood with or by himself, shunning the approach of ordinary men as unclean; see *Isa.* 65. 5. *Stand by thy self, come not near me, I am holier then thou.* 2. As others think, their name imports a singular understanding of the Scripture, which they pretended above all men, therefore their Schollars called them the *Wise men*, and when they were to lecture, We will (say they) go hear the Wise, οἱ σοφοι δευτερουσι, the Wise expone to day. 3. The Pharisees were a supercilious, vain-glorious pack. 4. They would not enter in themselves to the Kingdom of God, nor suffer these who would to enter in, *like the dog in the manger, that would not eat hay himself*, and *yet would not suffer the ox to eat, Who could and would too.* 5. The Pharisees, under pretence of long prayers and devotions, had their tricks of covetousness, *and devoured widows houses* for maintaining their party. 6. The Pharisees were the most active gainers of proselytes to their way that ever were, creeping into all corners, and hunting especially the souls of silly women to make them *Eva's* in perverting their husbands. 7. The Pharisees were more

more occupied about the lesse things in the Law then the greater, mercy, judgement and faith. 8. The Pharisees had their own traditions which they taught as the Commandments of God. 9. Though they pretended great respect to Gods Law, and to be tender of oaths, yet they imployed their art and skill in dissolving the most lawful oaths; if they seemed to be fast in some oaths, they were as loose in others. 10. The Pharisees were whited tombs, but within were full of dead mens bones and rottennesse, and of hypocrisie, cruelty, iniquity and bloodshed. Finally, the Pharisees, as *Josephus* tells us, were a froward sort of persons, that which they said they were perswaded of, *id sequuntur pertinaciter*; and he saith, they are *astutum hominum genus arrogans & interdum Regibus quoque infestum*, which made one of the *Asmonean* Kings to cut off eight hundred of them at once for their seditions against his Authority, and still they were crying out against Taxations given to Kings to stir tumults against them, after the example of *Judas* the *Gaulonite*, Acts 5. 37. called in that place, *Judas of Galilee*, who was a perfect Pharisee, stirring up the people because of the Taxations exacted by *Cæsar* and the Princes. Let this *Pharisee Gaulonite* put his own conscience to the pains to make application.

But, to close all, let this man and his party consider the dreadfulnes of the sin of separation from a lawful Ministery and an orthodox lawful Church, which in the judgement of grave Divines, is a sin not inferior to adultery or to theft. Mutinies and seditions in an Army are punished by Generals with death, because they do more infallibly destroy an Army, then almost any other fault or weakneſſe. Some petty distinctions, we know, are devised to mask the ugly face of it, which will not sustain; and some think there is no sin in it at all to begin a separation from their own Minister and Paroch-church, where God hath casten their lot to be combined with a certain portion of his people, if so be they go to other places and to as good Ministers or better: but howsoever, I would not counsel Ministers to be too rigid against sober and humble Christians, who sometimes without dis-respect to their own Ministers, may be inclined to desire a proof of anothers gifts. But such as fear God would consider the circumstances and consequences of so doing; what if all the people should do as one doth, in deserting a faithful Minister, should he not be a Minister without a people? Are not people bound to obey and hear them who labour among them and teach the truth of God, as well as the Minister is bound to teach the truth to them? May he with a good conscience leave them, as well

as they may leave him? And although they may covet the best gifts yet it must be in an orderly way, let them rather remove their dwellings to follow the same, that they may not give scandal to the people of God, that they may not introduce confusions into the Church. It is the will of God, that his people, according as they are orderly joined in Congregations, should ordinarily attend the dispensations of his Ordinances there, and not to introduce confusion in the Church upon pretence to desire to hear better gifted men: People humbly attending upon the Ministery God hath given them, may expect his blessing thereby, rather then when they gaud abroad to better gifted men, with scandal to others of Gods people. Peoples disorderly runing in this confused manner from their own Congregations, hath been fatal to all order in the Church, and hath a tendency to atheism and contempt of all divine things, and opens a sluice for most abominable errors.

CHAP. VI.

The Libellers tragical complaints of persecution, and his vainglorying of the Martyrs of his way, with other evidences of his pride and arrogancy.

TO rake into the ashes of dead men, or to talk of the aggravations of their guiltiness who have received their sentence from their Judges on earth, and their great Judge in heaven, were both unchristian and inhumane. Yet, because this Libeller goeth about to justifie what lawful Magistrates have judged to be Rebellion, and to instigate to the like by vain elogies of the way of them who are taken away, it will be needful to say somewhat (yet with great compassion and tenderness toward those who ruined themselves by forsaking their own station) concerning his defences of their way, lest truth receive prejudice, the right to the glorious Crown of martyrdom be translated to, or challenged by malefactors and evildoers; and lest Magistrates, in prosecuting their duties faithfully for publick peace, should be left under the disgrace of being persecutors of the godly.

We shall not notice much his mentioning of the testimonies of some persons, who dying a natural death or otherwayes, declared their opinion to be for Presbytery, though they dyed not for that cause. Men are not to be judged infallible at their death, more then in their life; a man may dye in some particular error not discerned upon his bed,

bed, as well as otherwayes; God may suffer great and good men to go away under greater mistakes then these are whereof we now speak, without prejudice of their souls happiness or loss of his favour; and if these who are mentioned dyed in such an opinion, as great and as good men have lived and dyed with comfort in a contrary opinion. As for the remnant of the witnesses of obscure name, whom he brings in with discourses either made by them or for them, *ad faciendum* or *fallendum populum*; it shall be none of our work to dispute the graciousnesse of the estate of any of them, nor their present happiness, which are secrets known to God: but, it shall be our part, waving all vain elogies given to them, to consider their way and practices how far they are approvable by the Word of God, or imitable by others. 1. Certain it is, that gracious men, for some sins committed by them, may be so for a time deserted of God, as even when they are in some measure of sincerity aiming at good ends, they may through strong tentation be miscarried to the use of wrong and sinful means, which may make them obnoxious to the stroke of humane justice, because their deed tended to the overthrow of humane Societies. Again, 2. it is not safe measuring of the righteousnesse of a Cause, meerly by the confidence and seeming consolation of these who are prompt to suffer for it. It is true, the confidence and consolation of Gods Martyrs have strange distinguishing characters, to put difference between the same, and all delusory confidence and comfort; but these are only discerned by the godly Martyrs themselves, or by God himself, and these to whom God hath given a singular spirit of discerning. For, oft-times greatest malefactors and desperately profane persons, grosse hereticks and atheists, dying in, and for their sins, are found to despise death, to have singular seeming patience and deluding comfort in it, there being upon their hearts a judgement of hardness, and having obstinately lived in error and sin, they have dyed under the power of a deluding comfort; which nevertheless, God forbid we should think of these persons, *of Whom We have hoped better things, and things that concern salvation.* 3. Who are we, to undertake to measure the mistical methods of divine mercy, and the momentaneous, incomprehensible, sudden workings of his Spirit, *Who moveth When and how he listeth*? he can give particular repentance for a particular sin, *inter pontem & fontem*, and quickly dart in the intimations of his mercy, according to the old word spoken of a wicked man that fell over a bridge into the water, *Between the bridge and the ground, Mercy I sought, and mercy I found.* Who dare limit

the holy One, so as that he may not give particular repentance *in articulo mortis*, which for his own holy ends, he conceals from them that survive? It is not the present personal estate of any of these which we dare quarrel, but when it comes to a justifying of their way as if it were of God, and to instigate others to an imitation, as *Naph.* doth, we must stand in the gap (so far as we may) that so great a delusion break not in upon the Church of God.

Therefore, briefly, we say, none of these sufferers did suffer upon the account either of owning the Covenant or Presbytery, which are owned by many, who upon that account suffer nothing; but their suffering was upon the account of rising rebelliously in arms, without and against all Authorities in the Land, superior and inferior, which if they had not done, they might have owned the Covenant and Presbytery long enough, before they had been troubled for that cause: And all that they can say for their rising is, that the Magistrate by moderate penalties according to Law, was pressing them to attendance upon the Ordinance of God, which is his indispensible duty. We may very justly say some few things of these that made the insurrection, which may sustain well and serve to our purpose; and which being well considered, much soap and nitre will not wash off the stain of foul rebellion, nor make their suffering to be of kin with cleanly martyrdom, however this man vainly brags thereof. 1. The lives of these people were not sought upon any termes, only moderat legal penalties were exacted of them for non-attendance upon the external means of Religion, which tended to flat atheism and highly dishonoured God. They were not brought to the last and inexorable necessity of defending their lives against invasion, out of which cases, the Author of *Lex Rex*, pag. 327, 328, 329. saith, *that using violence against the Magistrate or his servants, is unlawful.* 2. They used violence against the Magistrate before they did supplicat him, (this also that Author thinks unlawful) supplicating without such combinations and tumults as had been in use in the beginning of the troubles, was not forbidden in the case of inferior Officers laying on illegal impositions; or the superior Powers, could, as they saw cause, give relaxation even of the legal. 3. This Advocate labours to excuse their rising as indeliberate, yet in a notable contradiction defends it *as lawful, just, necessary, holy, exemplary*, and what not? But he should remember, that the godly Ancients never enrolled them among their Martyrs, who by their own rashness had occasioned their own sufferings, *quia* (said they) *non divino instinctu, sed temeritate actis id fecerunt*, see *Durham, Revel.* 362. 363. *p.* But whatsoever is talked

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of *indeliberatneſs*, many have thought that it was a contrivance, which God will in his time diſcover; if it was ſo, it was moſt wicked and unnatural, to kindle a flame in our own bowels, when the King and his Kingdoms were engaged in a forraign war againſt three potent Nations. 4. They were the firſt aggreſſors and invaders of the King and his Servants; for, *Naph. pag.* 137, 138. ſaith, *that they firſt ſlew one of the Kings ſervants, Wounded two, took his chief Officer Sir* James Turner *priſoner*, reſerving him to dye, when and where, and how it ſhould pleaſe them, albeit ſome hot-headed men in their Councils urged *that he ſhould be put to death quickly, by vertue of the Covenant.* 5. 1 Cor. 13. *If I give my body to be burnt and have not charity, I am nothing.* The Ancients would never own the *Novatians* and *Donatiſts* to be Martyrs, albeit ſometimes they were drawn to death by perſecuting Pagans, under the common notion and name of Chriſtians, ſuch a foul ſtain did they ſee in ſchiſm, and in uncharitable cuttings and rentings of the body of Chriſt. How the leaders of thoſe people ſtrove to fix them in a ſchiſm is known, teaching them, as *Naph.* doth, *that they were indiſpenſibly tyed by the Covenant, never to hear any of the Miniſters entred by the Biſhops, and were bound thereby to extirpate and drive away theſe wolves and thieves*, Naph. *pag.* 104. 108. So that, ſuppoſing that God ſhould remove all their former Miniſters, and in his Providence continue this preſent Government, they have taught the poor people, *by vertue of the Covenant*, to forſake the Goſpel-miniſtry in this Land for ever, (however able, fruitful and well furniſhed with meet graces and gifts the Miniſtry might be) as if the Goſpel ſhould rather fall then the Presbytery. Should not mens hearts tremble to appear before Gods Tribunal with ſuch aſſertions, which lead the people to atheiſm, and hardens them in it? And this Author of *Naph.* ſhews himſelf a wicked, but no witty Sophiſter, in perſwading the poor people unto a perpetual ſchiſm from this chriſtian and orthodox Church, while, *pag.* 109. he bringeth an argument *from the Lords abhorring his Sanctuary, accounting incenſe abomination; So that he cannot away with the calling Aſſemblies, it is iniquity, even the ſolemn Meetings*; to prove that Gods people ſhould now withdraw from that which God hath forſaken, and account it iniquity not to hate that which the Lord hates. Herein is a notable piece of juglary to perſwade ſeparation; for, becauſe in Scripture-expreſſions the Lord teſtifies his abhorring of the hypocriſie and meer formality of people in ſerving him, as *Iſa.* 1. and in other places of Scripture; therefore he concludes, that people ſhould ſeparate

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from the very outward Ordinances themselves, which came never in Gods mind nor the mind of any of his Prophets, who alwayes exhorted the people in the most corrupt times, to attend the publick Ordinances of God, and to amend the ill manner of the performance of duties to him, whatever were the corruptions of the Priests in these times; much more had it become this man (had he regarded the good of the souls of people, more then his own or his parties private good and credit) to have taught the people not to destroy their own souls by separation from Gods Ordinances, which he never taught; but, seing this Church is still a true and orthodox Church, to attend the Ministery thereof sincerely and humbly; especially seing a door is opened to them for giving in just complaints against any who wrong the holy things of God among them, or teach falsely, or live dissolutely or not ministerially. 6. Whatever may be said of the lawfulness of using the defensive sword against the Magistrate, yet their taking of the sword with such designs which this their Advocat saith they had, or alloweth them to have had was evil, *Which was to pull down all Authorities in the Land for abusing their places, to vindicate* (as they call it) *Religion, to force their fellow-subjects to their sense of the Covenant, or else to destroy them; to occupy and place themselves in the chair of Authority*, as if the Covenant had bound them to do so, *to kill whom they would as Apostates, and save whom they would alive.* And should such men (whatever the state of their souls was with God before their death or now, we meddle not with it, as being sealed amongst his secrets) be accounted Martyrs, because in time they were checked, and not suffered to be murtherers of others? Why should this Libeller *pag.* 139. say, *that the Councils Proclamation against them was full of fury and madnesse?* Why should he labour with frivolous talk to delude the world, saying, *pag.* 105. *that When they were defeat the soul of Gods turtle dove Was delivered unto the wicked, his name to reproach and blasphemy, and his glory into the enemies hand.* (Thus here as elsewhere he vents his ranting humour in Scripture-words, like *Belshadzar* abusing the vessels of the Sanctuary in his drunken compotations, but God will vindicate the glory of his own Word) Whereas, for all his cry *of exemplary integrity, piety and zeal*, pag. 141. some of the chief leaders of them have been found flagitious men of desperate fortunes, principles and designs: and it is known, that many of these were through their drunkennesse, cheating and false dealing, scandals even to the Souldiers themselves while they abode among them, who did perceive little of piety in them, but that

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piece of impious piety, not to hear a conformed Minister. This is not spoken as if there might not be amongst those that rose very much good grain and real Saints, though deserted in an hour of tentation to fall into an evil way; nor dare we pronounce hardly at all upon any of the persons that suffered, whom we have referred unto the wonderful mercy of God (but cannot approve their actions) nor can we count their suffering near of kin to martyrdom; and it is great vanity in the Libeller to compare them with *the chiefest Martyrs that have been in the Christian Church*, Pref. fol. 7.

But now drawing to a close, it is fit to consider, what defences were made by the empanelled against the holy Scriptures objected, or what further defence this Libeller makes for them. 1. *They Were posed Where they had learned, that under pretence of Religion, it is lawful for Subjects to rise in Rebellion against lawful Authority*; to this Queree this advocat declines to give a direct answer, where such a thing is read or could be instructed, only he speaks bigg words, and saith, it is clearly warranted *both by the word and by the covenant of God*, and if we will not take his word for it, he will give us no more particular instruction for it, where this is to be read, *Naph. pag.* 356. as indeed he cannot instruct this to be lawful, either when Religion is only pretended, or when it is really intended; but it is a very poor quirck, that he hath upon the words *under pretence of Religion*, which he saith, *imports the late rising was only in pretence of Religion*, &c. But he should know, that in ordinary language, a thing is said to be done under pretence of another, whether the pretension be yet dubious or under controversie, or whether it be falsely made or truly; for, a man may pretend one thing to another, which at first seem not truly pretended, and yet after evince, that there was ground for using such a defence: And it is as vain a quirck to say, that the Queree it self implyes and grants, *that the rising of the Subjects in arms against the lawful Magistrate, is both lawful and laudable*: For, let it be so, that the objection was meaned only of rising upon meer pretences of Religion, Will this inferre, that therefore there might be a rising upon real intentions for Religion against the Magistrate? For we affirm, that upon neither of the two, is insurrection against the Magistrate lawful, and the denying of the one is not the affirming of the other; and we assert upon good grounds which we have laid and shall lay, that these people did not rise in Armes really for Religion, but to maintain themselves in the course of atheistical contempt of Religion and Gods Ordinances, to pull down all Authorities in the Land (as their Advocate professes and justifies

ſtifies their ſo doing) and to deſtroy theſe in their innocency, whom they had appointed to death.

2. 1 *Sam.* 15. 23. *Rebellion is as the ſin of Witch-craft*, was objected to them; it is a very poor anſwer, which either others or this Advocat made to this, that it was only meaned of rebellion againſt God whereof *Saul* was accuſed guilty by *Samuel*; for albeit, that high rebellion immediately againſt God be principally meaned, yet the Soveraign Magiſtrate being the Lords Deputy, and bearing the Image of his Soveraignty upon earth, whom he commands to reverence and obey, and of whom he hath ſaid, *Ye are gods*, *Pſal.* 82. the deſpiſer of the Soveraign Magiſtrate, and rebel againſt him doing his duty, is a rebel againſt God. Yea, ſuppoſe we are never to follow the Magiſtrate when his commands are contrary to God (for that were to leave our line of ſubordination to God) yet when he ſwerves and goes out of his line, to take the ſword againſt him is but to ſtudy to cure his ſin by our own, and becauſe the King one way leaves his line of ſubordination to God, therefore to leap out of our own line in that ſubordination, in another way.

3. *Matth.* 26. 52. was objected, where Chriſt reproves *Peter* for drawing his ſword in defence of his perſon, againſt the Officers and Souldiers ſent to take him, and for ever diſcharging private perſons to take the ſword without Authority, even though it were in defence of his own perſon; threatning, *Whoever taketh the ſword* (God not giving him it in an orderly way) *ſhall periſh by the ſword*, he ſhall either dye by the ſword of the Magiſtrate, or ſome fatal violent way equivalent or worſe. The Libeller anſwers, 1. that that Text was ſufficiently anſwered by one of the impeached, whom they accounted diſtracted, who thereto did oppone, *Luk.* 22. 36. where Chriſt at the ſame time and to the ſame purpoſe, commands his Diſciples *to ſell their garments and buy ſwords*. Certainly this Libeller ſeems not to be far from ſome meaſure of diſtraction, while he allows the diſtracted mans anſwer as ſufficient: who of ſound judgement will think, that a Scripture is ſufficiently anſwered by producing another which ſeemeth contradictory thereto? This is not to ſolve an argument from Scripture, but to ſet the Scriptures by the ears together. 2. The Libeller aſſerts, that the Text doth more confirm then impugn the lawfulneſſe of defenſive Arms, which he labours to confirm, not only by that advice given by Chriſt to his Diſciples, to provide ſwords and weapons, but becauſe, 26. of *Matth.* 53. he aſſerts his power to call twelve legions of Angels to his aſſiſtance, which clearly implyes the lawful-

lawfulneſs thereof (as he ſaith) withall he aſſerts it to be *moſt evident, that that command was given and theſe words ſpoken by our Lord, only to teſtifie his voluntary ſubmiſſion*, &c. *by laying down his life.* To all which we ſay, 1. the paſſage, *Luke* 22. 36. is perverted by him, for as the chief Interpreters acknowledge, that ſpeech is wholly allegorick; So reverend *Beza* upon it, *totus*, ſaith he, *hic ſermo eſt allegoricus, quaſi diceret vixiſtis adhuc in pace commilitones, nunc vero bellum inſtat, acerrimum & ceteris rebus ommiſſis de veris armis eſt cogitandum, quænam autem ſunt iſta arma ipſe ſuo exemplo docuit, cum poſtea in horto precaretur, &* Petrum *gladio ferientem reprehenderet*: In like manner, reverend *Diodat* concurrs with him, ſaying, "That by buying of Swords is nothing meaned but figuratively, that "they ſhould have ſpiritual Wars and Combats, and therefore they "ſhould make proviſion of Spiritual armour, expreſſed under the noti-"on of corporal weapons. To that ſame purpoſe, judicious *Janſenius* ſpeaketh, and in very deed it cannot ſuſtain, that Chriſt ſhould here enjoyn them to buy ſwords of outward mettal, ſeing it was not Chriſts mind that at that time they ſhould uſe ſuch ſwords, no not in defence of his own perſon. Would he have them ſell their cloaths to buy ſwords, and then not uſe them? 2. It is a ſtrange reaſoning from the Text, that the lawfulneſs of private mens defenſive armes againſt Magiſtrates is here confirmed, becauſe Chriſt ſaith, *That he could pray to his Father, and he could get twelve Legions to his aſſiſtance*, which (ſaith he) clearly implyes the lawfulneſs thereof. *Anſ.* The queſtion is now anent the lawfulneſs of private mens uſing defenſive armes againſt all Magiſtrates, without any ſhadow of Authority, and to prove this, he alledges, that God by his abſolute power, might ſend twelve Legions of Angels to help Chriſt; God hath Authority above all Authorities in the World, and he may imploy Angels or men as he pleaſeth, and then they have a good warrand and authority: But, what makes this for any private mens uſing the ſword againſt the Magiſtrate, without authority either from God or man? It is wonderous reaſoning from Gods abſolute power, and the efficacy of Chriſts prayer (if we would pray for aſſiſtance from God) to argue the lawfulneſs of private mens reſiſtance of the lawful Magiſtrate, without any warrand from God. 3. Albeit one part of our Lords deſign, is to teſtifie his willing ſubmiſſion to the pleaſure of his Father; yet, that is not all, for by occaſion of this prohibition to *Peter*, he gives a general rule to all his Diſciples being private men, and to all private men, that they ſhould not take the ſword, God not giving them authority.

4. It is false, that it is only unjust and offensive War that is forbidden; for so that sentence, *he that taketh the sword*, should not be pertinently applyed to *Peters* fact or fault; for his using the sword against these who came to apprehend Christ was defensive, and was objectively just on his part, to wit, in defence of his Master whom they did invade: yet he is reproved for using the sword against the Magistrate, not having lawfull Authority, the defect of which makes the using of the sword against the Magistrate sinfull, as well as the defect of an lawfull and just cause. 5. Whereas he saith, that Christs speech by its latter part, tacitly implyes the lawfulness and justness both of defensive and vindictive armes, the same being otherwayes justly founded, is most falsely concluded from Christs words, if he mean defensive and vindictive arms against the Magistrate, (which is now our question) for, albeit defensive and vindictive armes be otherwayes justly founded, the defect of a lawful authority in using them against Superior-powers, makes them unjust and sinful, and it is utterly against Christs mind and the scope of the Text, to allow defensive as well as vindictive armes against the Magistrate; for, *Peter* was defending himself and his Master, and revenging the invasion made by *Malchus* the Magistrat's servant upon Christ, and yet he is reproved for both. 6. The Libeller, *pag.* 158. is insolent, while he saith, *That they are demented with flattery, who think it was unlawful for Christ to have defended himself by the assistance of his disciples, from the vilest of his creatures rising against him, had it not been that the Scriptures concerning him, should be accomplished:* For, albeit it is true, Christ as God, could have destroyed by himself or his instruments all the vile creatures that rose against him; yet, Christ as man, submitting himself in our nature to fulfill all righteousness, submitted himself to Magistracy as the ordinance of God, exhorting others to do the same (albeit, the Magistrates were his own creatures as he is God) he came in the form of a servant and of a Subject, (and was made under the Law) and whatever by Gods Law was unlawful for a Subject to do (as rebellion against lawful powers is) the Son of God in the estate of his humiliation submitted, that the same should be unlawfull to him as a man; he was never found in any act of Rebellion (albeit the Magistrates were corrupt) he approved it not in others, but reproved the forwardness of others who would assist him with violence against the Magistrates or his servants, leaving also a general admonition to all his followers forever, not to usurp the sword against the Magistrate, interminating, that whosoever should do so, should pay dear for it,

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he that taketh the sword, shall perish by the sword, saith our blessed Saviour; none are allowed to use the defensive or vindictive sword against the Magistrate; to say this, is flatly against the intention of Christ in this Text.

But, 3. The Libeller, *pag.* 158. offers help to his *adversaries*, as he calls them, *because they are known not to be much conversant in Scripture*: This is a puff of the windy mans arrogant spirit, as if forsooth, the Bible did hang only at his belt, and that he and his party were the only men that had their senses exercised in Scripture; but we shall see, that the weapons which he officiously offers to lend us, are sufficient to break his own head. The first place is, *Joh.* 18. 36. *If my Kingdom were of this World, then my servants would fight for me, that I should not be delivered unto the Jews*; in which place, our Lord and Savior doth clearly enough shew, that his Kingdom is spiritual and for spiritual ends and purposes, and not like the Kingdoms of the World which are meerly external, and maintained by external means of humane force; and he proves his Kingdom not to be of the World by this *medium*, that if it were so, his servants (in the quality of his servants) should take up outward armes and fight for him; but, now by refusing of such assistance against the powers of the World, he had cleared his Kingdom to be for spiritual ends, and not only delivered he *Pilate* and the Roman Empire from fear of any attempts from him or his, but clears for ever to the end of the World, the jealousies that might arise in the minds of the secular Powers, as if his subjects upon his account, should use force against them. So, that this Text will inforce (maugre all the vain glosses put upon it by this man and his like) that Christs subjects (meerly as they are in the capacity of his subjects) are not to use the sword against Magistrates that are over them in his behalf: and we allow well of Mr. *Hutchesons* note upon the place (whose sound judgement we oppose to the rebellious fancies of this man and his party) *Christ*, saith he, *by hindering his servants to fight, who were but private men as to any civil power, hath taught, that private men are not warranted to draw the sword, were it even in defence of Religion, but they ought to maintain it by suffering, when called to that extremity*: In the mean time, we say nothing against a peoples defending Religion by armes, under the conduct of a lawfull Magistrate, against forraign Powers. But the *Apolog.* very paradoxically will maintain, *pag.* 159. *That there is more reason to resist our own Magistrates or Princes by violence, then to resist forraigners; because our own Prince, being bound to maintain our pro-*

fession, his invasion upon the same is aggravate, and he is rather to be resisted by violence then others. But, thinks he, that it were soundly said, that if Parents should make disorder in the house, that the Children and rest of the family should use violence rather against them, when they miscarry or waste the goods of the family, then against a thiefs or a robber's breaking in unto the house? The Authors error is in this, that he looks meerly to the obligation of the Magistrate to us, and not at all to our obligation to him, even when he fails, abusing his power. If this latter had been more looked too, there would not have been such an odious comparison of our proper Magistrates and forraigners; but it is too natural to us, to look more to the duty of others to us, then to our own duty unto them. 2. The Libeller is very wilde in his gloss upon this place, while he intimats our Lords mind to be no more, *pag.* 159. But *that he came not to conquer to himself Disciples by outward force, and thereby to gain followers, by the spoiling of* Cesar *and other Princes.* How extravagant is the man in his expositions? Is not Christs plain meaning to declare the nature of his Kingdom to be spiritual by this, that none of his servants were engaged meerly upon this account, and under this formality, that they were his servants, to fight violently for him? This was security enough to *Cæsar* and all Magistrates for ever, that none of his Subjects should take up armes in his quarrel against them, but should only do so when Religion came to be a *Law-right*, defensible under the Magistrates protection against all foraigners: But there is not the least hint of his saying that he came not to conquer Disciples to himself by outward force, his intention being meerly to give assurance, that violent resistance to our proper Magistrate even in his behalf, is unsuitable to his Kingdom.

The last place of Scripture which the Lybeller objecteth and answereth, is *Matth.* 5. 39. *Resist not evil*, &c. The scope of which Text is, to shew the unlawfullness of privat revenge for injuries done to us, and of retaliation of wrongs received, wherein the Lybeller sheweth himself exceedingly guilty, and a man of an unchristian spirit, being so much a murtherer in his heart and in his words, thristing for the destruction of all sorts of persons that stand in his way, and instigating people to be instrumental in serving his and his parties lusts therein: This is the true sense, whatever be his gaudie glosses of it, wherein clearly he darkeneth knowledge with vain words, and the place will condemn plainly enough violent retaliating the Magistrate when we think he doth us wrong, and this Advocat doth not dissemble or deny,

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to have been intended by the Rebels, but defends and justifies their purposes to have pulled down all the Authorities of the land: this we accompt to be utterly unlawfull, and to be that *evil resistance* which Christ condemns. O! but saith the Lybeller, pag. 159. 160. *This prohibition of not resisting evill, doth not import that we should not resist, but give way to all violence and sacriledge, to subverting of Religion and righteousnes*, &c. That is true indeed; But, who that hath any sense will make such an inference? That every man in his calling ought to withstand violence and sacriledge to the subverting of Religion and righteousnes, it is granted; Yea, private men may resist the unjust violence of private persons, and being under the conduct of the Magistrate, may resist any that offereth violence in lesser concernments then these are. But we still maintain, that this Text forbids all revenge and violent retaliation upon the Magistrate (though he abuse his power) for in no case admit we of the lawfulnes of violence of subjects against the supreme Magistrate, albeit every man in his place is bound not to give way (so far as he can hinder) to the violent subversion of Religion, but in all wayes competent to subjects, withstand the same, and yet not run to violent wayes against the Magistrate; But this is the prime principle of this mans faith, that any private persons may violently counteract all Judges and Judicatories when they think they do wrong; and the ultimate resolution of all grounds, not onely of obedience, but of submission to suffering, rests according to his Doctrine upon the fancies and lusts of private persons this is the high way to confound Church and State and all; This Lybeller presently addeth, *That we should be perfect, as our heavenly Father is perfect, and he is not onely good but righteous, helpeth the oppressed, and commandeth the zeal of his own glory by the hand of his people to take vengeance of his adversaries.* What is it, after the manner of Sathan, to cheat and abuse men by the holy Scriptures of truth, if this be not? What strange arguing is this, that because God Almighty executeth vengeance upon his adversaries great and small, that therefore private persons, of whom our question is now, should follow his perfection in doing the like, albeit they have not his warrand or command: should they not first question who made them Gods sword-bearers against the Magistrate? But, O! what a plague is it to be delivered up to believe the deceitful Doctrines of such bloody and deceitful men. But, he closes all his perversions of Scripture, *pag.* 160. with *Revel.* 13. 10. *He that leadeth*, &c. *he that killeth with the sword, must be killed with the sword*; Whereupon he would found the consolation

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and patience of his party in all former sufferings, and his hope and joy in the faith of the succeeding delivery. That word, *Rev.* 13. toucheth not nor threatens the Magistrate in the execution of justice, but rebels, who use the sword without Gods warrand against the Magistrate, may read their reward in this Text. And as for his hopes and his joyes in the faith that the private sword shall be turned against the just users of the publick, we trust that God shall blesse him with the mercy of a disappointment, and blast his bloody joyes and hopes, spreading his gracious protection over the King, inferior Rulers and the whole people of the Land.

Now, as for his discourses anent quarter given to some and not keeped, the Libeller would have done well to call to mind what quarter was given to the Kings party at *Philliphauch*; his Majesties worthy Secretary, who was known to be no sword-man, and several others brave Gentlemen, were put to death after quarter given, notwithstanding of the Kings Authority which was upon their side; a practice never heard of before in our Kingdom, that a Parliament or inferior Judges against the Supream, did put to death those who were acting by his warrand, whereas he never put to death any who acted by their warrand taken prisoners by him. Why then should the priviledge of quarter be pleaded, in behalf of these who had no shadow of Authority for them, but had taken Arms against all the Authorities of the Land, from the highest to the lowest? It was a favour to them for the time to be reprieved from the Souldiers sword, albeit justice should after take place against them. And although he scofs at that word that was spoken, *Adversus hostes tantum est bellum, at in perduelles judicium*; yet it hath more truth in it then he is capable of: and it will not be put off with his jeers, *as if in war there may be faith and quarter, but in judgement there ought to be neither truth nor performance*; for who will deny, that faith and quarter may be given in war, and that the faith given should be performed by them that gave it? but the Souldier gave only a present reprieval from his sword, and so far as it was in his own power to do; but the publick Judicatories, together with the King their Head, were to look to what Law requireth, and cannot be bound by any Souldiers engagement made to meer Subjects rebelling against all Authorities, for a present sparing of them.

Now we should have represented the exceeding arrogancy and pride of this Libeller, according as was proposed; but the characters thereof being so visible in all the works and writings of this man and his complices,

complices, we shall spare the pains of noticing their high and haughty wayes, which every one that runneth may read; beseeching God both to renew this mans heart, and to reclaim him from his evil courses, and also to guard the hearts of his own people against his pestilent and confounding Doctrines, which tend directly to the overthrow of humane Societies. The God of truth, peace and love dwell amongst us, to unite our hearts in himself, to save us from the snares of Sathan, and of turbulent and unquiet men, and to establish our tranquillity in enjoying the Gospel under the Kings Majesties Government: He himself grant this, for his great Names sake. *Amen.*

FINIS.

ERRATA.

Pag.	*Line.*	*For.*	*Read.*
5.	14.	name.	name tacitly or expresly.
9.	21.	assert.	assent.
10.	9.	upon.	upon him.
19.	26.	is.	as is.
21.	33.	are nor.	or not.
73.	13.	faith in	faith and
153.	16.	that	that some.
165.	27. 28.	separate-in.	separating.
178.	31.	the oath had been.	had the oath been.
180.	33.	sin.	sign.
187.	35.	as the.	as there were.
193.	15.	ευδεις.	εδεις, &c.
206.	33.	limited.	illimited.
208.	33.	whatever.	wherever.
210.	33.	one.	in one.
228.	3.	devils.	devils malice and.
235.	19.	or declining.	nor decline.
236.	23.	used.	uttered.

That the Order by which, and the place where, the former Part was printed, were not mentioned, was an escape.